

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

*With papers relating to the recent arrangement with Great Britain,  
with respect to the trade between the United States and her Colonial  
Possessions.*

JANUARY 4, 1831.

Ordered to be printed, and referred to the Committee on Commerce.

*To the Senate of the United States:*

I communicate to Congress the papers relating to the recent arrangement with Great Britain, with respect to the trade between her colonial possessions and the United States, to which reference was made in my message at the opening of the present session.

It will appear from those documents, that, owing to the omission in the act of the 29th May last of a clause expressly restricting importations into the British colonies in American vessels to the productions of the United States; to the amendment engrafted upon that act in the House of Representatives, providing that, when the trade with the West India colonies should be opened, the commercial intercourse of the United States with all other parts of the British dominions or possessions should be left on a footing not less favorable to the United States than it now is; and to the act not specifying the terms upon which British vessels coming from the northern colonies should be admitted to entry into the ports of the United States, an apprehension was entertained by the Government of Great Britain, that, under the contemplated arrangement, claims might be set up, on our part, inconsistent with the propositions submitted by our minister, and with the terms to which she was willing to agree; and that this circumstance led to explanations between Mr. McLane and the Earl of Aberdeen, respecting the intentions of Congress, and the true construction to be given to the act referred to.

To the interpretation given by them to that act, I did not hesitate to agree. It was quite clear that, in adopting the amendment referred to, Congress could not have intended to preclude future alterations in the existing intercourse between the United States and other parts of the British dominions; and the supposition that the omission to restrict, in terms, the importations to the productions of the country to which the vessels respectively belong, was intentional, was precluded by the propositions previously made by this Government to that of Great Britain, and which were before Congress at the

time of the passage of the act, by the principles which govern the maritime legislation of the two countries, and by the provisions of the existing commercial treaty between them.

Actuated by this view of the subject, and convinced that it was in accordance with the real intentions of Congress, I felt it my duty to give effect to the arrangement by issuing the required proclamation, of which a copy is likewise herewith communicated.

ANDREW JACKSON.

WASHINGTON, 3d January, 1831.

THE PRESIDENT OF THE UNITED STATES

*List of papers accompanying the Message of the President of the 3d January, 1831.*

Extracts of a letter from Mr. Van Buren to Mr. McLane, dated 20th July, 1829.

Extract of a letter from same to same, dated 5th August, 1829.

Copy of a letter from Mr. McLane to the Earl of Aberdeen, dated 12th December, 1829.

Copy of a letter from the Earl of Aberdeen to Mr. McLane, dated 14th December, 1829.

Copy of a letter from Mr. Van Buren to Mr. McLane, dated 26th December, 1829.

Copy of a letter from Mr. McLane to the Earl of Aberdeen, dated 16th March, 1830.

Extract of a letter from Mr. McLane to Mr. Van Buren, dated 6th April, 1830.

Extract of a letter from Mr. Van Buren to Mr. McLane, dated 18th June, 1830.

Copy of a letter from Mr. McLane to the Earl of Aberdeen, dated 12th July, 1830.

Copy of a letter from same to Mr. Van Buren, dated 20th August, 1830.

Copy of a letter from the Earl of Aberdeen to Mr. McLane, dated 17th August, 1830.

Copy of a letter from Mr. Van Buren to Mr. McLane, dated 5th October, 1830.

Copy of a proclamation of the President, dated 5th October, 1830.

Copy of a circular. Instructions from the Treasury to the Collectors, dated 6th October, 1830.

Extract of a letter from Mr. McLane to Mr. Van Buren, dated 6th November, 1830.

Copy of a letter from Mr. McLane to the Earl of Aberdeen, dated 3d November, 1830.

Copy of a letter from the Earl of Aberdeen to Mr. McLane, dated 5th November, 1830.

Copy of the British order in Council, dated 5th November, 1830.

Copy of the British schedule of duties.

Extract of a letter from Mr. McLane to Mr. Van Buren, dated 22d November, 1830.



*Extracts of a letter from Mr. Van Buren to Mr. McLane, dated July 20, 1829.*

*First. The trade between the United States and the British American Colonies.* The policy of the United States in relation to their commercial intercourse with other nations is founded on principles of perfect equality and reciprocity. By the adoption of these principles, they have endeavored to relieve themselves from the discussions, discontents, and embarrassments, inseparable from the imposition of burthensome discriminations. These principles were avowed whilst they were yet struggling for their independence, are recorded in their first treaty, and have since been adhered to with the most scrupulous fidelity. In the year 1815, they repealed all their acts imposing discriminating tonnage duties on foreign ships or vessels, and of impost, so far as respected the produce or manufacture of the nations to which such foreign ships or vessels might belong—such repeal to take effect in favor of any foreign nation which should abolish similar duties, so far as they operated to the disadvantage of the United States.

In the year 1817, they restricted the importation into the United States, in foreign vessels, to articles of the growth, produce, or manufacture of the country to which such vessels belonged, or as could only be, or were most usually shipped in the first instance from such country; provided that such regulation should not extend to the vessels of any foreign nation which had not adopted, or should not adopt a similar regulation with regard to them.

In the year 1824, they declared the suspension of all discriminating duties, in relation to the vessels and produce of several European nations, and of their territories in Europe, which had accepted of the terms proffered by the act of 1815, and conferred authority upon the President to extend the same exemption to all nations thereafter complying with its requirements; and in 1828, an act was passed, authorizing the President to extend the exemption in regard to alien duties, which, by the acts of 1815 and 1824, was restricted to the productions of the country to which the vessel belongs, to the productions of any foreign country imported into the United States in the vessels of any nation which would allow a similar exemption in favor of the United States.

The terms proposed by our act of 1815 were adopted in the commercial treaty between the United States and Great Britain in the same year, which has been twice extended, and is now in full force. By it, the commercial intercourse between the United States and the British possessions in Europe is established upon just and equal terms. The United States desired to place their trade with the British American colonies on the same footing. The Government of Great Britain would not then consent to that arrangement, and it was consequently stipulated in the treaty that the intercourse between the United States and His Britannic Majesty's possessions in the West Indies, and on the continent of North America, should not be affected by any of its provisions, and that each party should remain in complete possession of its respective rights with regard to such intercourse. The trade and intercourse between the United States and the British colonies previous to and at that time, were only such as were permitted by British legislation, or regulation by orders in Council. It had always been of a restricted and unequal character, and every previous attempt to place it upon just terms had wholly failed. Since 1815, both Governments have uniformly admitted it to be their belief that a commercial intercourse between the United States and the British colonial possessions referred to, upon terms of fair reciprocity, would promote their mutual interests.

To establish it upon such terms has always been the sincere object of this country, and, until a very late period, the avowed wish of Great Britain.

The twelve years which have elapsed have, with occasional intermission, been employed in endeavors to arrange those terms by negotiation, or to secure them through the agency of separate legislative enactments; and although the two Governments have more than once concurred in each other's views as to the conditions to which they would assent, their respective acts have resulted in the almost entire suppression of the trade. Since the 1st December, 1826, there has been a total non-intercourse between the United States and the British American colonies in British vessels, and the same in regard to American vessels, (with the exception of the permission allowed to the latter, to carry on a direct trade with the British North American possessions, the Bahama islands, and the island of Anguilla, upon terms prescribed by Great Britain alone.) The acts of the two Governments which have led to this result are so intimately connected with the positions which they respectively occupy, and of a nature calculated to have so much influence on the measures of conciliation and redress which may be adopted, as to render it important that they should be fully known and accurately understood. Your participation in the public councils has given you a general view of their principal outlines; but it is thought advisable to furnish you with a more particular exposition than the opportunities you have enjoyed would allow you to obtain. A very brief sketch of such as are most prominent is, with this view, submitted to you.

The direct trade between the United States and Great Britain was found to be so interwoven with, and dependent upon, that between the United States and the colonies, as, in a great measure, to deprive the former of the advantages intended to be secured to them by the treaty of 1815, so long as the intercourse with the colonies was monopolised by British navigators. Several efforts were consequently made, between the years 1815 and 1818, to induce the British Government to adjust this collision of interests by amicable negotiation. They were unsuccessful. In 1817, a proposition was submitted to our Minister at London by the Secretary of State for Foreign Affairs, Lord Castlereagh, which was said to contain all that could then be assented to by Great Britain towards admitting the United States to a participation in the trade between them and the colonies. By this it was proposed to extend to the United States the provisions of their free port acts, which authorized a limited trade with portions of her colonies to the colonial inhabitants of foreign European possessions, in vessels of one deck, with some additional provisions in relation to the trade with Bermuda, Turks island, and the British territories in North America.

The terms contained in this proposition were decided by the Government of the United States to be inadmissible, and countervailing measures were resorted to.

The act of Congress of the 18th of April, 1818, concerning navigation, was passed. Its object was to counteract acts of a like character long before existing on the part of Great Britain, restrictive of the trade with her colonies in vessels of the United States. By that act, the ports of the United States were closed against British vessels coming from any British colony, which was, *by the ordinary laws of navigation and trade*, closed against vessels of the United States; and British vessels sailing with cargoes from ports of the United States were laid under bonds to land their cargoes in some port or place other than a colony closed against vessels of the United States.

The negotiation was in the same year renewed, and another attempt, equally unsuccessful, was made to open the trade, and establish it upon principles which were claimed by our Government to be those of fair reciprocity.

The act of Congress of the 15th of May, 1820, "supplementary to an act entitled 'An act concerning navigation,'" followed. By it, the ports of the United States were, after a certain day, closed against British vessels coming or arriving by sea from *any* British colonial port in the West Indies or America; and similar bonds were required from British vessels sailing from the ports of the United States, not to land their cargoes in any British American colony. Articles of British West Indian and North American produce were allowed by this act to be imported into the United States, only direct from the colony of which they were wholly the produce, growth, or manufacture. Thus establishing a non-intercourse in *British* vessels with all the British American colonies, and prohibiting the introduction into the United States of all articles the produce of those colonies, except that of each colony imported directly from itself.

Such was the relative state of the intercourse between the United States and the British colonies, respectively, from September, 1820, till the passing of the act of Parliament of the 24th of June, 1822, and the consequent proclamation of the President.

By the act of the 6th of May, 1822, in anticipation of the passage of the British act last referred to, Congress authorized the President, upon his being satisfied that the British colonial ports were opened to the vessels of the United States, to open their ports to British vessels upon terms of reciprocal advantage. The act of Parliament of June, 1822, repealed several existing acts, and opened certain of the colonial ports to the admission of American vessels laden with certain articles of American produce, upon specified conditions, and restricting the intercourse to the direct trade between the United States and the colonies. The President, by his proclamation, issued immediately after the receipt of the British act, opened the ports of the United States to British vessels engaged in the colonial trade, subject to a like restriction, and upon terms which were deemed to be of reciprocal and equal advantage, *but retaining our discriminating duties*. The retention of the discriminating duties was made the subject of complaint and discussion on the part of the British Government. The measure was justified by ours, as being only a fair equivalent for the imposition of protecting duties on American produce in all, and export duties in some of the colonies.

The King had authority, by act of Parliament, to interdict the trade to all nations which refused to allow privileges to British vessels engaged in the colonial trade equal to those granted to foreign vessels by the act of the 24th of June, 1822, and, also, to impose countervailing duties; but neither power was then exercised.

The act of Congress of the 1st of March, 1823, was the next material step in the movements of the two Governments. At the period of its passage the two countries were engaged in an extensive and valuable trade between the United States and the colonies, by virtue of the British act of Parliament and the President's proclamation, our discriminating duties remaining unrepealed, but continuing to be a cause of complaint on the part of Great Britain.

The influence which the passage of this act has obviously had upon the course of affairs in relation to the trade in question, together with the cir-

cumstance that the closing of our ports was the effect of its terms, renders it important that its provisions should be distinctly understood. They were in substance the following:

1st. It continued the suspension of the acts of 1818 and 1820, already effected by the President's proclamation, and opened our ports to a *direct* trade only with such of the British colonial ports as had been opened to us by the act of Parliament of June, 1822, subject, as things then stood, to the payment by British vessels of our alien or discriminating duties.

2dly. It put forth a claim which had been previously advanced by us in our negotiations upon the subject, but always resisted by Great Britain, viz: that no higher duties should be imposed upon the productions of the United States in the British colonial ports than upon those of Great Britain herself, or her other colonies, and which had been levied for the protection of their own produce. This was done by giving an authority to the President to suspend the payment of our discriminating duties by British vessels coming from the colonies, upon being satisfied that no such duties were levied in the colonies on our produce, and by declaring that, until such evidence was given, payment should continue to be exacted.

3dly. It restricted the trade to such British vessels as had come directly from the colonial ports, and had not touched at any other port after they left the colony.

4thly. It declared that its provisions should only be in force so long as the privileges granted by the act of Parliament of June, 1822, were allowed to our vessels, and that if at any time thereafter, the trade, or any part of it, was prohibited to us by Great Britain, through an act of Parliament or order in Council, and that fact proclaimed by the President, each and every of its provisions should cease, and the acts of 1818 and 1820 be revived and in full force.

The passage of this act was followed by the exercise of the authority given to the King to impose countervailing duties; and they were accordingly imposed to an amount equal to ours, by an order in Council of the 21st July, 1823, upon all American vessels and their cargoes arriving in the colonial ports. Under these reciprocal impositions, the trade between the United States and the colonies was carried on from that time, until it was suppressed by both Governments, in the manner hereinafter stated.

The negotiation was resumed by Mr. Rush in January, 1824. In its course, propositions for regulating the trade were submitted by him, which received the assent of the British Plenipotentiaries, with the exception of that prohibiting the imposition of protecting duties in the colonies, to which their dissent was expressed in the strongest terms.

Mr. Rush's instructions precluded him from settling the matter upon any other terms, and the negotiation was suspended in the month of June following.

On the 5th of July, 1825, an act of Parliament was passed, allowing the trade with the British colonies in North America, and the West Indies to all foreign nations, upon conditions which will be hereafter referred to. It limited the privileges thus granted to foreign vessels to the ships of those countries, not having colonies, which should place the commerce and navigation of Great Britain, and her possessions abroad, upon the footing of the most favored nation, unless the King, by order in Council, should in any case deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the required condition was not in all respects complied with by such country.



Mr. King was sent to England in the summer of 1825, but without instructions upon this point. His continued indisposition induced him to return in the summer of 1826, and during that period no step was taken by either Government.

In the winter of 1825-'6, an attempt was made in Congress to meet the act of Parliament of July, 1825, by correspondent legislation; but it failed; and although the trade might, and most probably would, have been saved, if the act then introduced had become a law, it is nevertheless true, as has been stated, that it would not have been a strict compliance with the British act, if it had passed.

In the summer of 1826, Mr. Gallatin was sent to England with instructions, which authorized him to conclude an arrangement of the colonial question upon terms substantially the same with those which were offered by the British Plenipotentiaries to Mr. Rush in 1824; but his authority was confined to an adjustment by treaty stipulation.

On the 27th of July, 1826, the King, by order in Council, founded upon the act of Parliament of July, 1825, declared that the United States had not complied with the conditions of the act, and therefore directed that the trade and intercourse between the United States and the greater part of the British colonial ports should cease from and after the 1st day of December then following.

Mr. Gallatin arrived in England a few days after the publication of those orders in Council. The determination of the British Government to decline all further negotiation upon the subject was promptly and definitively announced to him. The foundation of this determination was avowed to consist principally in the reiterated refusals of this Government to accept of the only terms to which Great Britain would agree, and a subsequent change of the colonial policy of that Government, by opening her colonial ports to all foreign nations upon the conditions set forth in their acts of Parliament. The whole subject was laid before Congress by the President in the winter of 1827, and an unsuccessful attempt made to obtain the passage of a law requiring our ports to be closed also. Congress having adjourned without doing any thing in the matter, the President, by his proclamation dated the 17th day of March, 1827, declared the trade between the United States and all the British colonies, with which it had been allowed by the act of Parliament of 1822, to be prohibited, and the acts of Congress of 1818 and 1820 to be revived.

On the 16th of July, 1827, another British order in Council was issued, embracing the regulation of the colonial trade of Great Britain with all nations; reciting the passage of an act of Parliament, by which it was declared that one year from the time of passing the act of July, 1825, should be the period in which an acceptance of its provisions by foreign nations should be valid; declaring what nations had so accepted the same, and closing their ports against all those that had not; among the latter, the United States were included.

The extent and operations of our acts of 1818 and 1820 have been before stated. The commercial relations between the United States and the British colonies have been regulated by their provisions, and the British order in Council of July, 1827, from that period to the present day. By instructions from this Department of the 11th of April, 1827, Mr. Gallatin was authorized to announce to the Government of Great Britain the acquiescence of this in the proposition that the colonial trade should be regulated by

law, and to ascertain the disposition of the British Government to open the trade by separate acts of legislation. This was distinctly done by Mr. Gallatin, in his note to Lord Dudley of the 4th of June, 1827. He was further informed that the President was willing to recommend to Congress, at its next session—

1st. To suspend the alien duties on British vessels and cargoes, and to allow their entry into our ports with the same kind of British colonial produce as may be imported in American vessels—the vessels of both countries paying equal charges.

2dly. To abolish the restrictions in the act of 1823 to the direct intercourse between the United States and the British colonies, thus leaving Great Britain in the exclusive possession of the circuitous trade between Great Britain proper through her colonies; and he was directed to inquire whether the passage of an act of Congress to that effect would lead to the revocation of the order in Council of July, 1826, to the abolition of the discriminating duties on American vessels in the British colonial ports, and to the enjoyment by our vessels of the advantages offered by the act of the 5th of July, 1825. The effect of these concessions, it was pointed out to him, would be a waiver of the claim of the United States, as made in the act of March, 1823, to the admission into the colonial ports of our produce upon the payment of the same duties as similar produce from other parts of the British possessions was required to pay.

No answer was made by the British Government to Mr. Gallatin's note of the 4th of June, 1827, announcing the willingness of this Government to arrange the trade by separate legislation; and Mr. Canning, on being applied to by Mr. Gallatin to know whether he might expect a reply, informed him that such was not the intention; that they considered that note as merely furnishing explanations; and he expressed his surprise that any doubt could exist as to the final disposition of the British Government upon that subject.

After Mr. Canning's death, the willingness of the United States to accept, through the medium of separate legislation, the terms of the act of Parliament of the 5th July, 1825, was again communicated by Mr. Gallatin to the British Government, by a note to Lord Dudley of the 17th August, 1827, in which he requested to be informed whether, if Congress complied with the recommendations which the President was willing to make, the United States would be admitted to the trade and intercourse allowed by the act of Parliament of the 5th of July, 1825.

Mr. Huskisson, in a subsequent conference, informed Mr. Gallatin that Great Britain considered the colonial intercourse as exclusively under her control, and that whatever terms might be granted to foreigners, would be considered as an indulgence; that he was not prepared to say whether, in any way, or, if at all, on what terms, it would be opened to the United States, in case of their repealing their restrictive acts.

Lord Dudley, in reply to Mr. Gallatin's letters of the 4th June and 17th August, after reviewing the grounds urged by the United States to justify themselves in omitting to accept the terms of the act of Parliament of July, 1825, declined committing the British Government as to their course in the event of the United States adopting the measures proposed, on the following grounds, viz: 1st, that *much* must of necessity depend upon the details of the act which Congress might pass; 2dly, *more* on the condition of the country at the time of the passage, and the views which the British Government might then have of their interest in the matter; and, 3dly, that any

speculations on the subject, would be a virtual departure from the ground taken by his Government to regulate the trade by law, and to decline all further negotiation concerning it.

The last information in the possession of this Government, in relation to the views of the present British ministry upon this subject, is derived from Mr. Barbour in January last. He states that, in a communication held with Lord Aberdeen, in the presence of the Duke of Wellington, the former expressed his desire of having the colonial trade question judiciously adjusted, and his conviction that the interdict was injurious to the colonies, without a proportionate benefit to any other section of the empire. But from subsequent conversation with his lordship, and from information derived from other sources, Mr. Barbour was induced to believe that the British Government does not contemplate any relaxation of its colonial system in favor of this country; that our late tariff, together with a strong conviction of their incapacity to compete upon equal terms with our navigation, contributes to this disposition; and that that Government would willingly withdraw the privileges of trading with its colonies, which it has granted to other nations, if that could conveniently be done.

Such is the present state of our commercial relations with the British colonies; and such the steps by which we have arrived at it.

In reviewing the events which have preceded, and more or less contributed to, a result so much to be regretted, there will be found three grounds upon which we are most assailable, 1st, in our too long and too tenaciously resisting the right of Great Britain to impose protecting duties in her colonies; 2dly, in not relieving her vessels from the restriction of returning direct from the United States to the colonies, after permission had been given by Great Britain to our vessels to clear out from the colonies to any other than a British port; and, 3dly, in omitting to accept the terms offered by the act of Parliament of July, 1825, after the subject had been brought before Congress, and deliberately acted upon by our Government. It is, without doubt, to the combined operation of these causes, that we are to attribute the British interdict. You will therefore see the propriety of possessing yourself fully of all the explanatory and mitigating circumstances connected with them, that you may be enabled to obviate, as far as practicable, the unfavorable impression which they have produced.

The trade, although not wholly suppressed, is altogether changed in its character. Instead of being direct, active, and profitable, as it once was, it is circuitous, burthensome, and comparatively profitless. The importation of the produce of the British West India colonies into the United States, may be said to have substantially ceased. It is wholly prohibited in British vessels, and allowed only direct from the producing colony. By the orders in Council, the admission of American vessels is prohibited. Consequently, whatever of British West India produce is brought into this country (with the exception of what has been recently allowed to be imported from the Bahama islands, and the island of Anguilla) must either be brought by the vessels of other nations, which are permitted, under the act of Parliament of July, 1825, to clear from the colonies for any other ports, except in Great Britain and her possessions, or it must be imported as the growth or produce of other colonies, to which the vessels of the United States are admitted, and thus introduced in evasion of our law.

The export trade has been more considerable, though greatly and injuriously reduced. The decrees of nature, by which the British West Indies

are made dependent on the United States for a great portion of their necessary supplies, though erroneously resisted, have not been altogether frustrated by the retaliatory and improvident legislation of the two countries. Large quantities of American productions still find their way to the colonies. The uncertainty as to how much of our produce is used in the ports to which the exportations are nominally made, renders it impossible to speak with accuracy as to the amount actually consumed in the British West India colonies since the ports were closed. In the opinion of intelligent merchants, it is about half as much as immediately before the interdict. It is carried in American vessels to the islands of St. Thomas and St. Bartholomew on the one hand, and to the open ports in the British North American possessions on the other. From those ports, it finds its way to the British West India colonies, under different regulations in British vessels. This trade is burthened with double freight and insurance, the charges of landing and re-shipping, and also commissions and duties in the neutral ports, for that portion which goes by the way of St. Thomas and St. Bartholomew. The extra expenses thus produced have been estimated at fifty per centum on the first cost of lumber, and at from fifteen to twenty per centum on provisions. A great reduction of the quantity of our exports, and the entire exclusion from the trade of many articles of a perishable nature, which cannot now be sent in consequence of the increased length of the voyage, with its unfavorable effects upon our navigation, are the chief injuries which result to our citizens from this state of things. It oppresses the West India planter, by unavoidably increasing the prices of such articles of American produce as he still finds it his interest to purchase, notwithstanding the disadvantages imposed upon their introduction. It is moreover understood, that the indirect trade is carried on on British account, and that, therefore, the principal part of the extra expenses to which it is subjected comes ultimately out of their pockets.

It is the anxious wish of the President to put an end to a state of things so injurious to all parties. He is willing to regulate the trade in question upon terms of reciprocal advantage, and to adopt for that purpose those which Great Britain has herself elected, and which are prescribed by the act of Parliament of 5th July, 1825, as it is understood by us. You are directed to make a full and frank exposition of the views and wishes of the President in this respect, at as early a period, and in such manner, as you may judge best calculated to accomplish them, and to put it in his power to communicate the result of this overture to Congress at the opening of the next session. He is admonished by the past of the inutility of protracted discussions upon a subject which has been over and over again debated. He does not, therefore, wish to occupy you, or harass the British cabinet by their repetition. You are authorized to say to the British Government, on the part of the United States, that they will open their ports to British vessels coming from the British colonies, laden with such colonial productions as can be imported in American vessels, and upon terms in all respects equally favorable; and that they will also abolish the restriction contained in our act of 1823, confining the trade to a direct intercourse, upon condition that Great Britain will allow American vessels the privileges of trade and intercourse which were offered by the act of the 5th of July, 1825.

The President indulges a confident expectation that the British Government will assent to an adjustment upon these terms. He is compelled to think so from a conviction that such an arrangement would promote the



true interests of both parties—a result which he is confident is as much desired by Great Britain as it can be by himself, because she has heretofore given her deliberate assent to these terms, (and he finds nothing in the condition of the question which renders them less proper now than they were then;) and, finally, because he is unwilling to believe that Great Britain would make so invidious a distinction as to exclude us from a trade which she allows to the rest of the commercial world. The United States do not controvert her right to monopolise the trade with her colonies; and if the same interdiction which excludes them from her colonial ports was extended to others, they would not complain. But the British Government cannot be insensible to the tendency which a discrimination of the character referred to must unavoidably have, to alienate those liberal and friendly feelings now entertained towards her by our people, and which it should be the pleasure, as it is the duty, of both Governments, to cherish and perpetuate.

If the omission of this Government to accept of the terms proposed, when heretofore offered, be urged as an objection to their adoption now, it will be your duty to make the British Government sensible of the injustice and inexpediency of such a course.

The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade. Their views upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient that the claims set up by them, and which caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them, and are not revived by their successors. If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal on those grounds. To set up the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility. The tone of feeling which a course so unwise and untenable is calculated to produce would doubtless be greatly aggravated by the consciousness that Great Britain has, by order in Council, opened her colonial ports to Russia and France, notwithstanding a similar omission on their part to accept the terms offered by the act of July, 1825.

You cannot press this view of the subject too earnestly upon the consideration of the British ministry. It has bearings and relations that reach beyond the immediate question under discussion.

Should the amount of our protecting duties upon the productions of her colonies, or upon the manufactures of the mother country, be referred to, in connexion with this matter, you will be at no loss for the reply. The duties upon our agricultural productions, when imported into Great Britain, are beyond comparison greater than those imposed by the United States on the productions or manufactures of Great Britain or her colonies; and the denial of her right to impose duties on articles the production of the United States,

when imported into the colonies, in order to protect those of the colonies themselves, or of the mother country, was a leading and avowed motive for the stand taken by Great Britain in relation to the colonial trade. This is a subject on which each nation must judge for itself. It is one upon which, it is well known, there exists great diversity of opinion among our own citizens, but in respect to which no stipulations can be made with a foreign power; at least without reciprocal engagements on the part of such power—engagements into which there is no reason to believe that the Government of Great Britain would at this time enter. If, by the imposition of those duties, the United States can secure the production of the same articles at home, it is their right and their duty to persevere. If not, the principal burthen falls upon their own citizens, and consequently furnishes no cause of complaint on the part of others.

If the encouragement, by Great Britain, of her North American possessions in the growth and production of similar articles to those with which we supply her West India colonies, is the motive, the objection is no less obvious. To that end, the parent Government now exercises, without complaint or objection on our part, the common right of imposing higher duties on articles which are not, than on those which are, the growth or produce of their North American possessions; and in doing so she exercises to the full the right conceded to all nations, of encouraging home productions by the imposition of protecting duties. The exclusion of one nation from the privilege of bringing into the ports of another articles that come in competition with home productions, whilst their introduction is conceded to the rest of the world, is a measure which cannot find its justification in any principles applicable to the protective system. If, however, the President should be disappointed in his expectations, founded on these and other corresponding views of the subject, he wishes you to ask (a request which he is confident will be readily granted) that you may be favored with an early and definitive answer to the propositions you are authorized to submit. He makes this appeal to the candor of the British Government, that he may be enabled (in the event alluded to) to lay before Congress, at the commencement of the next session, the result of this overture, to the end that that portion of the capital and enterprise of our country which is now waiting the decision of the question may seek other channels of employment.

Should your advances be met in the spirit in which they are offered, it will become important to consider of the form in which the proposed adjustment ought to be made.

This Government has heretofore strenuously contended for an arrangement by treaty, and that of Great Britain has as strenuously opposed any other mode than that of separate legislation. The President is willing to adopt either mode. If the views of the British Government are now different in that respect, and an arrangement by treaty be acceptable, you are authorized to conclude it upon the principles of these instructions. In that event, the President relies upon your known discretion and intelligence that the articles to which you agree shall be in such form as will carry into full and fair effect the views of this Government as now expressed.

If (which is more probable) a resort to mutual legislation is preferred, the consideration of the mode best calculated for the satisfaction of both parties will occupy your attention.

That may be effected in one of two ways, viz: either by an order in Council, opening the British ports to American vessels after a certain day, in the

event of the United States having before that time complied with the conditions of the act of Parliament of the 5th of July, 1825, by opening our ports to the admission of British vessels, and allowing their entry with the same kind of British or colonial produce as may be imported in American vessels, the vessels of both countries paying the same charges; by suspending the alien duties on British vessels and cargoes, and by abolishing the restrictions in our act of 1823 to the direct intercourse between the United States and the British colonies—thus leaving Great Britain in possession of the circuitous trade between Great Britain proper and the United States, through the British colonies. Or, the President will recommend the same measures to Congress, at their next session, on being assured by the British Government that the passage of an act of Congress to that effect will lead to the revocation of the British order in Council of July, 1827 to the abolition or suspension of all discriminating duties on American vessels in the British colonial ports, and to the enjoyment by us of the advantages of the last mentioned act of Parliament.

You are authorized to agree to either mode, but the former is, for many reasons, to be preferred. In all that is said upon the subject, it must be borne in mind that the President, whatever may be his wishes, or the course he might otherwise adopt, has no authority to move in the matter without the aid of Congress. The only laws relating to this subject, now in force, are the acts of 1818 and 1820, by virtue of which our ports are closed against the admission of British vessels engaged in the colonial trade. They do not confer a dispensing power on the President, and he has no such authority derived from any other source.

Some explanatory act, or a stipulation having a prospective view to such provision as Congress may make, will certainly be necessary to enable the United States to avail themselves of the privileges offered by the act of Parliament of 1825. By that act we are required, as a condition to the enjoyment of its advantages, to place the commerce and navigation of Great Britain and her possessions abroad upon the footing of the most favored nation. If it is meant by the condition that the commerce and navigation of Great Britain, and of her possessions abroad, shall be gratuitously and generally placed on the same footing with those of the most favored nation, by granting to them privileges which are allowed by us to other nations for equivalents received, it would be wholly inadmissible.

By the laws of both countries, the vessels of each are prohibited from importing into the ports of the other any other productions than those of the country to which such vessels respectively belong. By the laws of the United States, this restriction is applied only to those countries which apply a similar interdict to our commerce. Almost all other countries have excluded it from their navigation codes: such nations, therefore, enjoy the privilege of importing from any country upon paying our alien duties—a privilege which we cannot extend to Great Britain, because her laws deny it to us.

Our discriminating duties, also, have, in consequence of arrangements by treaty, been abolished as to certain nations, and their vessels and cargoes admitted on equal terms with those of the United States. We have, moreover, treaties with Central America and Denmark, by which it is stipulated that whatever can be imported to, or exported from, either country, from or to any foreign place, in its own vessels, may be so imported or exported in the vessels of the other country, on the payment of the same duties. Should

the terms "most favored nation" be understood by Great Britain in the sense I have referred to, she would entitle herself, in case of a literal compliance on our part with the terms of the act of 1825, to all those privileges for her European navigation and commerce, without reciprocating them to the United States—a privilege she would, it is hoped, be too just to desire, and which, certainly, the United States could not for a moment think of granting. The force of these objections, and the necessity of preliminary explanations upon this head proceeding from the British Government, was virtually admitted by Lord Dudley, in his reply to Mr. Gallatin's notes of the 4th of June and 17th July, 1826; but he considered them as answered by the statement of Mr. Gallatin, that the President was willing to recommend certain specific measures to Congress, as a fulfilment of the conditions of the act of 1825, and the President would have adopted them himself if he had been clothed with authority to that effect.

The simple and sufficient reply to this view of the matter is, that those measures were proposed by the United States, not as a strict compliance with the conditions required, but as all that they could offer, and with an accompanying declaration that they fell short of what the act of 1825 required, and would still leave our commerce with the colonies dependent upon the future dispensation of the British Government. The validity of this opinion Lord Dudley did not attempt to controvert.

If it is then true that either further preliminary legislative acts, or a prospective stipulation on the part of Great Britain, be necessary, a previous order in Council should be preferred: First, Because it would obviate the two principal objections stated by Lord Dudley to her binding herself for the future. Those objections were, that the future course of Great Britain must, necessarily, in part, depend upon the details of such act as Congress might pass; and that the very fact of making such a stipulation would be a departure from a ground which their Government had taken upon full deliberation, that they would not suffer themselves to be drawn into any negotiation upon the subject of the colonial trade, but claimed for themselves the right to regulate it by their own separate and independent legislative acts. The mode proposed would manifestly obviate the first objection, and avoid the other. Secondly, Because such an act on the part of Great Britain, after the past transactions of the two Governments on this subject, could not fail to remove all asperities from the minds of our people, and contribute more than an adjustment in any other form to produce that spirit of mutual kindness between the two countries which it is the interest of both to cherish, and which the President is earnestly solicitous to maintain.

Assuming that the step can be taken by Great Britain (as it assuredly can) without disparagement, the consideration stated would, it is believed, have a persuasive influence on her conduct. In issuing such an order in Council, the British Government would only be acting upon the same policy which it has in part already pursued in relation to the Bahama islands and the island of Anguilla. Great Britain revoked her order in Council of July, 1827, as to those islands, because it was required by a due regard to her interests. That being ascertained, no consideration of form or matter of feeling was allowed to interfere. What good reason can be assigned why the same should not be done for the maintenance of greater interests, and under more eligible circumstances? Should that mode, however, be declined, it is hoped that the only remaining one will be adopted without hesitation.



I will add nothing as to the impropriety of suffering any feelings that find their origin in the past pretensions of this Government to have an adverse influence upon the present conduct of Great Britain. Without such an assurance on her part, your mission, so far as relates to the colonial trade, must be wholly inoperative. If this result is produced by a real change of opinion on the part of the British ministry with respect to the reciprocal advantages of the trade, and a determination to exclude the United States from it, in order to promote her own interests, and that is frankly and promptly avowed, the whole matter will be at least intelligibly concluded. If, however, they are not prepared to take this ground, but suffer themselves to desire that the United States should, in expiation of supposed past encroachments, be driven to the necessity of retracing their legislative steps, without knowledge of its effect, and wholly dependent upon the indulgence of Great Britain, they cannot be insensible of the extreme improbability that any further measure will be taken by Congress, before whom (in the event alluded to) it would probably be the pleasure of the President to lay the whole matter.

---

*Extract of a letter, dated 5th August, 1829, from Mr. Van Buren to Mr. McLane, then at New York.*

I forgot to speak to you upon the subject of the probable impression that will be made upon the British Ministry by the rumors and speculations that have appeared here in regard to the character of your instructions, and to suggest the importance of putting them informally, but fully and early, in possession of your views upon that point.

---

*Mr. McLane to the Earl of Aberdeen.*

9, CHANDOS STREET, CAVENDISH SQUARE, December 12, 1829.

MY LORD: I had flattered myself with the hope of receiving before this time a decisive answer from his Majesty's Government to the propositions which I had the honor to make some time since for an arrangement of the trade between the United States and the British American colonies; but, while I regret the delay that has taken place, I am aware that it has hitherto been unavoidable. In the hope, however, that, after the various conversations which I have had the honor to hold with his Majesty's Ministers in the course of this negotiation, they may be prepared definitively to dispose of the subject, I beg leave to make your Lordship the present communication.

In entering upon the negotiation, I separated this from the other objects of my mission, and presented it singly before his Majesty's Ministers, that it might receive their early consideration and prompt decision, and that I might thereby the better promote the views and wishes of my Government. I early informed your Lordship of the anxious desire of the President of the United States that the question may be put immediately and entirely at rest. In this he is influenced not merely by a wish to liberate and give ac-

tivity to such portion of the capital of his fellow-citizens as may be awaiting the decision of this question, but also by the higher motive of speedily terminating a state of things daily becoming more prejudicial to the friendly relations of the two countries.

Disclaiming, on the part of the United States, in reply to certain observations of your Lordship, all hostility to this country in their system of protecting duties, and disconnecting that system from any arrangement of this particular question, I endeavored to lay this subject before his Majesty's Ministers divested of all considerations but such as peculiarly relate to this branch of the commerce between the two nations.

Conceiving that experience had already proved the existing colonial regulations to be injurious to the interests of both countries, the President was induced to hope that true policy alone would dispose his Majesty's Government to change them. He could perceive no good reason why Great Britain should now refuse her assent to the terms of arrangement which she herself had heretofore voluntarily proposed; and, as the order in Council of July, 1826, did not embrace Russia and Sweden, though both were within the scope of the act of 1825, and as it had been subsequently rescinded as to Spain without equivalent, he was unwilling to suppose that any unfriendly motive could induce a peculiar and permanent exclusion of the United States from participation in a trade thus conceded to the rest of the world.

In fact it appeared that a material alteration had taken place in the colonial system, and in the relations between the two countries, produced by the recent relaxation of the order in Council in favor of Spain, which left the United States the sole excluded power, and by the injurious operation of the existing regulations upon the interests of Great Britain. It was not unreasonable, therefore, to suppose that the negotiation might be advantageously resumed; that the British Government might be induced to rescind entirely their order in Council of 1826, and that a satisfactory arrangement might immediately be made by the reciprocal acts of both Governments.

In the course of my negotiation, however, I have met with difficulties much greater than had been anticipated. There were objections opposed to any arrangement. Among these were the measures of the United States restricting the British colonial commerce subsequently to their failure to accept the terms offered by the act of Parliament of 1825, and the claims to protection urged by those interests which are supposed to have grown up in faith of the act of 1825 and the order in Council of 1826. Indeed, I distinctly understood that these were insuperable obstacles to any relaxation in the colonial system of Great Britain, unless some previous change should be made in the legislation of the United States.

With this understanding, though I by no means admitted the force of these objections, I deemed it expedient, in this state of the negotiation, to make the following proposition: that the Government of the United States should now comply with the conditions of the act of Parliament of July 5, 1825, by an express law opening their ports for the admission of British vessels, and by allowing their entry with the same kind of British colonial produce as may be imported in American vessels, the vessels of both countries paying the same charges; suspending the alien duties on British vessels and cargoes, and abolishing the restrictions in the act of Congress of 1823 to the direct intercourse between the United States and the British colonies; and that such a law should be immediately followed by a revocation of the British order in Council of the 27th July, 1826. the abolition or suspension

of all discriminating duties on American vessels in the British colonial ports, and the enjoyment, by the United States, of the advantages of the act of Parliament of the 5th July, 1825.

By this offer on the part of my Government, I hoped to remove even the pretence of complaint against its measures; and I trusted that, in thus throwing open, by its own act, to all of his Majesty's subjects, a trade at present enjoyed by but a few, it would effectually silence those partial interests which, springing out of a system of restriction, and depending as much upon the countervailing laws of the United States as upon the regulations of their own Government, subsist entirely upon the misfortunes of the British West India planters, and the embarrassments of the general commercial capital and enterprise of both nations.

In repeating the proposition, as I now have the honor to do, and in renewing my solicitation that it may be taken into early and candid consideration, and produce a prompt and favorable reply, I refrain from leading to further discussion and delay by a more detailed reference to the various suggestions by which, in the course of the negotiation, I have had the honor to recommend it.

Entertaining, however, the conviction I have heretofore expressed, of the wasting effects of the present regulations upon the substantial interest of the two countries, I cannot close this letter without again remarking that delay can only tend to increase the difficulties on both sides to any future adjustment, and that it will be difficult for the United States to reconcile the marked and invidious relation in which they are now placed with their idea of justice, or with the amicable professions of this Government. That relation involves consequences reaching far beyond the immediate subject in discussion, and of infinitely greater importance to the future intercourse of both countries than any value which the trade affected by these regulations may be supposed to possess.

It is this view of the subject which unites the sympathy of all interests in the United States with their commercial enterprise, which touches the pride and sensibility of every class of their population, and which, I trust, will make its due appeal to the candor and liberality of his Majesty's Government.

I pray your Lordship to accept the assurance of the high consideration with which I have the honor to be

Your Lordship's most obedient  
And very humble servant,

LOUIS McLANE,

To the Right Honorable the Earl of ABERDEEN, &c. &c. &c.

---

*The Earl of Aberdeen to Mr. McLane.*

FOREIGN OFFICE, *December 14, 1829.*

SIR: I have had the honor to receive your letter of the 12th instant, formally recording the desire entertained by the Government of the United States (and previously declared by you in verbal conferences) for the removal of the existing restrictions on the intercourse between the British

West India colonies and the United States, with the view of placing the commerce of the two countries on a footing more consonant with the substantial interests of both nations, and with the amicable relations which happily subsist between them.

I shall lose no time in bringing the propositions contained in your letter under the consideration of his Majesty's Government.

Whatever may be the result of their deliberations on this question, of which you are already apprised of some of the difficulties, you may be assured that his Majesty's Government will enter into the consideration of it with the most friendly feelings towards the Government of the United States.

I have the honor to be,  
With high consideration, sir,  
Your most obedient humble servant,  
ABERDEEN.

LOUIS McLANE, Esq. &c. &c. &c.

---

*Mr. Van Buren to Mr. McLane.*

DEPARTMENT OF STATE,  
*Washington, 26th Dec. 1829.*

Your despatch No. 5 has been duly received, and submitted to the President. From subsequent but unofficial information, he is induced to believe that the British cabinet are disposed to reciprocate the liberal views by which he is himself actuated, by the adoption of some just and equally beneficial arrangement in regard to the colonial trade; but that, for reasons applicable to their side only, they desire a short delay before a final decision is made upon the subject. Confiding in the sincerity of the professions which are understood to have been made to you, and equally anxious to remove all grounds of uneasiness between the two countries, the President has directed me to communicate to you his views in regard to the question of time. This shall be done in the same frank and friendly spirit which characterises your general instructions in this regard, and which has left in them nothing that requires concealment. Not foreseeing any difficulty or embarrassment to the British Government in coming to a prompt decision upon that branch of the subject of difference between the two countries, you were instructed to ask for such decision at as early a period as should be found consistent with perfect respect and courtesy. The motive of this Government for pursuing that course was avowed to consist in a belief that no practical good could result from a protracted discussion of matters already so fully debated, and in a desire to communicate the result, whatever it might be, to Congress, for its own action, and the information of its constituents. The explanations which are understood to have been made to you by the leading members of the British cabinet, are, however, sufficient to induce the President to acquiesce in a compliance, on your part, with their wishes in regard to time, provided the proposed delay be not such as to defeat the expressed views of this Government in case of a result adverse to its wishes. For the probable length of the present session, and the pe-



riod at which the President ought to be possessed of the final decision of the British Government, to enable him to lay it before Congress in due season, your own judgment and knowledge of circumstances may, with safety, be relied upon. The reasons for doing so at an early period are very strong, but the President is disposed to content himself, under existing circumstances, with any course which will enable him to protect the interests of this country from the injuries that might result from long delay. Your intimate acquaintance with the whole subject renders it unnecessary for me to enter into a particular consideration of the measures which would, most probably, be regarded by this Government as proper and expedient, on our part, in the event of an entire failure of the negotiation, and enables you to form a proper estimate of the value of time in respect to the utility of their adoption. You will be governed, accordingly, by a view of all these circumstances, as to the extent of the proposed delay which would be acceptable here, in reference to the adjustment of this important interest.

Independently of the steps necessary and practicable to open and improve new channels for the trade which would thus be permanently abandoned, the justice and propriety of defeating the interested views of the northern British colonies is a subject which is earnestly pressed upon the consideration of this Government.

The desire so strongly manifested in that quarter to give permanency to a state of things altogether artificial in its character, and as much at variance with the repeated and solemn opinions of both Governments as with the best interests of the two countries, has excited much sensibility here; and the active agency which that interest is understood to exercise in thwarting your efforts to place matters on their only natural and true footing, serves greatly to increase that feeling. The propriety of an immediate legislative provision, prohibiting our trade with the Canadas, and other free ports, after a certain day, if the present colonial regulations of Great Britain should at that time remain unchanged, is strongly advocated; but the President is disinclined to bring that subject to the notice of Congress during the pendency of your negotiation, by the apprehension that the step might, under these circumstances, be regarded as wearing the appearance of menace, and thus give an acrimonious character to a negotiation which it is his wish should be of the most kind and amicable nature.

It is hoped that the President's message will aid the liberal views which the principal members of the British cabinet are understood to entertain upon this point, by disabusing the mind of the English public in regard to the views and wishes of this country, and by impressing it with just notions of the sentiments of the President. There certainly never was a time better calculated for the improvement of the relations between the two countries than the present. The solicitude sincerely felt by the President upon this head is greater than the occasion referred to would allow him to express: and I am persuaded that there has been no event in his public life that has caused him as much regret as he would experience in failing to be instrumental in the establishment of the very best understanding between the United States and Great Britain.

I am, sir, with great respect,

Your obedient servant,

M. VAN BUREN

*Mr. McLane to the Earl of Aberdeen.*

9, CHANDOS STREET, PORTLAND PLACE,

*London, March 16, 1830.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, in calling the attention of the Earl of Aberdeen, His Majesty's principal Secretary of State for Foreign Affairs, to a proposition which he had the honor to submit in writing on the 12th of December last, for an arrangement of the trade between the United States and the British American colonies, and in praying for a decision thereupon, is influenced, not merely by considerations of duty, urging him to avoid further delay, but by a hope that the time already afforded for deliberation has been sufficient to enable His Majesty's Ministers to judge of the reasonableness of his demands.

The Earl of Aberdeen is already aware that, whatever may be the disposition which His Majesty's Government may now be pleased to make of this subject, it must necessarily be final, and indicative of the policy to which it will be necessary, in future, to adapt the commercial relations of each country. As the regulations on the part of the United States which will follow the decision of this Government can be adopted by the Congress alone, it becomes the duty of the undersigned to ascertain and transmit such decision during the present session of that legislative body. But, while the undersigned again solicits the earliest convenient answer to his proposition, he cannot but repeat that it will be happy for both countries if their measures shall coincide in cultivating those liberal principles of mutual accommodation which are the elements of common prosperity and united strength.

However the fact may be regretted and condemned by enlightened statesmen, it cannot be concealed that ancient prejudices and unworthy animosities do still linger among the people of both countries; and the Earl of Aberdeen has been too distinguished an observer of events not to perceive the operation of those causes in fostering a spirit of commercial jealousy, especially in relation to the colonial trade.

It should be the desire, as it is the interest, of both Governments, to extinguish these causes of mutual bitterness; to correct the errors which may have interrupted the harmony of their past intercourse; to discard from their commercial regulations measures of hostile monopoly; and to adopt, instead, a generous system of frank and amicable competition.

There has never occurred, in the history of the two countries, a fairer opportunity than the present to effect this desirable object; and the undersigned feels pleasure in remarking the favorable disposition professed by both Governments on the subject. He begs to suggest, however, that this period of amicable expressions deserves also to be signalised by acts of mutual concession, which may remain to the people of both countries as earnest of those liberal relations which their Governments have resolved to cultivate. Such would be embraced in the proposition which the undersigned has already had the honor to submit; namely, that the United States should do now that which they might have done in 1825—rescind the measures which may be alleged to have contributed to the present evil, and repeal the laws which have been matters of complaint; and that England should assent now to a measure which, but a few years since, she herself proposed.

The undersigned is unwilling to pass from this topic without re-assuring the Earl of Aberdeen that it is from considerations of this kind that the subject derives its highest importance in the view of his Government. There is no disposition to deny the injurious effects of the existing regulations upon the commercial and navigating enterprise of the people of the United States, associated, as it evidently is, with the substantial prosperity of the British West India colonies. Much of the injury, however, and especially that arising from the temporary inactivity of a portion of American capital, might soon be remedied by acts of the Legislature, opening new channels for commercial enterprise. But the evil most to be apprehended is, that, in recurring, on both sides, to the remedy of legislative enactments, a spirit of competition might be immediately awakened, which, however dispassionately it might commence, would be too apt, in a little while, to become angry and retaliating. In cases of the kind, as has been too well proved, one step necessarily leads to another, each tending more and more to estrange the two nations, and to produce mutual injuries, deeply to be deplored when they can no longer be remedied.

It is far from the intention of the undersigned to intimate that the United States could be disposed to complain of any commercial regulation of Great Britain, which, by a system of reasonable preference, should consult the interests of her own subjects, provided it were done in a spirit of amity and impartiality, and that it should place all nations on an equal footing. But, when the United States shall think they have grounds to consider themselves singled out from all other nations, and made the exclusive object of an injurious regulation; when they shall imagine it levelled at their prosperity alone, either in retaliation of past deeds, or for interested purposes—to secure some adventitious advantage, or to encourage a hostile competition, by means of commercial monopoly; however justifiable, in such case, they may admit the regulation to be, in point of strict right, they will hardly be able to refrain, not merely from complaint, but from a course of measures calculated, as they may think, to avert the intended injury, though pregnant, perhaps, with consequences to be ultimately lamented.

While the undersigned would, in no degree, impair the full force of these considerations, he would, at the same time, be distinctly understood as not employing the language of menace. He has conducted his whole negotiation with an unfeigned and anxious desire to see the relations of the two countries placed on a footing equally advantageous and honorable to both, as the only means of ensuring lasting amity; but, being profoundly sensible of the causes by which this desirable object may be defeated, he has framed his proposition in such a manner as to enable His Majesty's Ministers to co-operate in his views, without departing from the principles of their system of colonial trade and government. To this effect, the proposition which he has had the honor to submit concedes to Great Britain the right of regulating the trade with her colonies according to her own interests, and asks no exemption from the discriminating duties which she has instituted in favor of her own possessions. It invites a participation in a direct, rather than a circuitous trade, upon terms which Great Britain deliberately adopted in 1825, as beneficial to her colonies, and which she continues to the present day to allow to all the rest of the world. A rejection of it, therefore, would appear to result, not from any condemnation of the direct trade, or any conviction of the impolicy of permitting it with the West India colonies, but rather from a determination of excluding from it the commerce of the United States alone.

It is not the intention of the undersigned to undertake here the difficult task of minutely recapitulating on paper the various suggestions by which, in the course of his conferences with His Majesty's Ministers, he has endeavored to enforce an arrangement on the terms heretofore stated. He trusts, however, to be excused, if in making this last application for an early decision, he should recur to a few of the more leading considerations connected with the present state of the negotiation.

And here the undersigned begs to observe that, whatever hope he may have indulged on this subject at any period of the negotiation, it has been founded, not so much upon the expectation of peculiar favor to the United States, as of a liberal compliance, by His Majesty's Government, with its own regulations, in allowing the United States to participate in a trade permitted to all the rest of the world, so far as their participation should contribute to the purposes for which such trade was, in any manner, authorized.

The arrangement, therefore, proposed by the undersigned, does not urge upon the British Government a departure from what may be considered its ordinary colonial regulations, for the benefit of the United States, but a recurrence to a course of trade beneficial alike to the commerce of the United States and the colonial interests of Great Britain, and which has been interrupted by causes not foreseen by the latter, and highly disadvantageous to both nations.

It was the hope of the undersigned, that, if the interests of that portion of the British dominions which, in the sixth year of his present Majesty's reign, dictated the regulations proposed by the act of Parliament of that year, could be subserved by their adoption now, Great Britain would not be prevented, by any causes accidentally or improvidently arising, or by any exclusive policy towards the United States, from renewing now the offer she then made.

The undersigned is not disposed to deny that any departure from the rigid policy by which the colonies are excluded from all commercial intercourse, except with the mother country, must be founded on the interests of the colonies themselves; and it will be doubtless conceded that such was the object of the regulations proposed by the act of Parliament of 1825, which were intended to furnish the British West India islands with a more extensive market for their productions, and with the means of supplying themselves, on the cheapest terms, with all articles of foreign produce of which they might stand in need.

The act of 1825 was, in fact, a relaxation of the previous policy, affording to the West India colonies advantages of trade which they had not previously enjoyed, and offering the benefit of their commerce to all the world. It will scarcely be denied that this relaxation was dictated by a wise regard for the peculiar wants of those islands. Abundant proof of this may be found in the reciprocal privileges granted at the same time to the other possessions of Great Britain, the interests of which might be supposed to be affected by these regulations; and more especially in the privileges conferred on the northern possessions, of introducing their grain into England at a fixed and moderate duty, and of receiving in exchange, and importing directly from all parts of the world, productions similar to those of the West India islands; and also in the reduction of the duty on the Mauritius sugar, in the ports of Great Britain, to an equality with that on the West India sugar.

It will scarcely be doubted that these privileges were fully commensurate with the object. Indeed, it must be perceived that they were of extensive scope and growing importance, materially affecting the present and prospec-



tive trade of the West India planters. They conferred on the northern possessions a free and direct trade, not only with the European ports, but with the continent of South America, in which are countries daily increasing in resources, and destined, beyond a doubt, when the advantages of their soil and climate shall be properly cultivated, to become rival growers of the West India produce.

It may be safely affirmed that these are privileges of greater magnitude than any conferred by the same act on the West India islands; and it is worthy of remark that they are still enjoyed by those possessions, constituting a source of profit and prosperity; while, of those for which they were given as an equivalent, the West India planter has been almost ever since deprived.

It could not be imagined that the remotest forethought was entertained of this state of things, by which the West India islands would ultimately be deprived of their most natural and profitable market, and their interests sacrificed to the adventitious prosperity of possessions which already, in the privileges heretofore alluded to, and in the scale of discriminating duties provided by the act of Parliament, enjoyed advantages equivalent to any accorded by the protecting policy of Great Britain. Much less could the undersigned permit himself to suppose that the act of 1825 contemplated any other objects than those which it ostensibly imported, or that those objects could be permanently defeated by accidental causes.

The undersigned need not here enter into a particular defence of the omission on the part of the United States seasonably to embrace the offer of the direct trade made by Great Britain in the year 1825, and to which allusion has so frequently been made. Whether it be a subject more of regret or of censure, it ought to be enough that the claims advanced in justification of it have since been abandoned by those who made them—have received no sanction from the people of the United States, and that they are not now revived. If it be the intention of Great Britain to perpetuate the present state of things from a belief that it is more for her interest, she will require no warrant from the past; and if she intend it for any other purpose, the mistakes of the past will not justify a policy observed towards the United States alone, while unenforced against other nations chargeable with similar neglect. If these mistakes have led to the mutual injury of both countries, there ought rather to be inspired a disposition to remedy such injury, and to prevent its future recurrence.

The undersigned, therefore, may be content to admit, that, in consequence of the failure by the past administration of the Government of the United States to comply with the provisions of the act of Parliament of 1825, by repealing certain restrictions in their laws deemed incompatible with the interests of the colonies, Great Britain thought proper, by order in Council, to exclude them from the direct trade authorized by that act. But it cannot, therefore, be supposed that they were thus excluded because Great Britain had repented of the regulations of 1825, which she continued to extend to all other nations, though some of them, too, had neglected the conditions of that act; neither could it be supposed that the importance of a direct trade with the United States had in any degree diminished.

It is not a fair inference from any measure, neither is it avowed on the face of any public document of Great Britain, that, by the interdiction applied by the order in Council, she intended, permanently and unchangeably, to deprive the United States and her West India islands of the benefit of a direct

trade, which had always been deemed of the first importance to both. The opposite is the natural inference; and it is due to the character of Great Britain, and to her knowledge of her true interests, to believe that the adjustment of trade with her several possessions by the act of 1825, was, in her opinion, salutary, and that she sought to secure it in every part, and to give it more complete effect, by her order in Council, the true intent of which was to exclude the United States from the direct trade merely until they should consent to engage in it on terms mutually advantageous. It was thus, whilst her other possessions were left in the enjoyment of their privileges, Great Britain intended to secure to the West India islands the commercial benefits which had been designed for them by these regulations.

Nor are the answers heretofore given by this Government in the course of previous negotiations, incompatible with this interpretation of the order in Council. After applying the interdict for the purposes of the act of 1825, it was not unreasonable that the time of its removal should be adapted to the same ends. It might have been designed, not merely to evince the predilection of Great Britain for regulations adopted in 1825, but to manifest to all other nations the mutual advantages of that course of trade, and to yield to a liberal spirit when that effect should be produced. The language of the late Mr. Canning, and of Lord Dudley, authorizes this belief. Mr. Canning said no more than that the British Government would not feel bound to remove the interdict, as a matter of course, whenever it might suit a foreign nation to reconsider her measures; implying, surely, that, under other circumstances, our overture would not be rejected. In the negotiation with Mr. Canning, moreover, the American pretensions, which, before that time, had embarrassed an arrangement, were not conceded; and on that ground, particularly, Mr. Gallatin's proposition was then declined. At the time of the negotiation with Lord Dudley, neither party had felt the effects of a state of things which neither had ever contemplated, and for which Great Britain had never, until then, manifested any desire.

Without attempting here to point out the error of Lord Dudley's conception of Mr. Gallatin's proposition, the undersigned contents himself with suggesting that his answer most particularly referred to the proposition merely in regard to the form and the time. It neither said nor intimated, as, had such been the intention, it unquestionably would have done, that Great Britain designed, by the order in Council, permanently to abandon the objects of her act of 1825.

It must be admitted that such inference would be incompatible with the views entertained by the present ministry, as expressed in the order in Council of 1828, gratuitously extending and continuing to Spain the privileges granted by the act of 1825, which she, also, had forfeited, by failing, up to that period, to comply with the conditions.

On no supposition, consistent with ordinary impartiality towards a friendly nation, can this order be reconciled, than that the whole subject rested in the discretion of the ministry, to be changed and modified at any time when they might deem it expedient.

The undersigned, therefore, takes leave to suppose that the present state of things is new and unexpected in the colonial history of Great Britain; that the interests and advantages dependent upon it are adventitious, subordinate, if not opposed, to the objects of the act of Parliament of 1825, and injurious to the interests contemplated by that act; and that it was neither intended to be produced nor perpetuated by the order in Council of 1826. He is induced,

therefore, by these considerations, to renew his hope that the real purposes of that order may now be fulfilled, and the cardinal object of the act of 1825 effectually promoted.

He would venture to ask, moreover, whether those interests which have recently sprung up out of this adventitious state of things, which depend upon accidental causes, and subsist upon the sufferings of others more ancient in standing, and at least equal in magnitude, have any peculiar claim to be upheld? They connected themselves with a course of trade subversive of the leading motives of the act of 1825, and necessarily temporary, and which it would be unreasonable to convert into a permanent arrangement, unless it could be proved that it had attained, or was likely to attain, in some other way, all the objects contemplated by that act.

The regulations of the sixth year of his present Majesty's reign were not adopted without reason, or uncalled for by the condition of the West India colonies. The improvident legislation with which their trade with the United States has been unhappily restricted, subsequently to the year 1822, had produced embarrassments which all acknowledged, and which the measures of 1825 proposed to obviate, by extending the market for their productions, and enlarging the means of a cheap supply.

Such, it must be admitted, was the obvious remedy for the evil; and, if their own picture of actual distress and embarrassment be not overdrawn, the situation of the West India planters is more in need of its application at present than in the year 1825. Seldom, indeed, if ever, have their distresses been more intense, or their supplications for relief more urgent.

It is also true that, according to usual custom in periods of public distress, the evils which now afflict the West India planters have been ascribed to causes various in their nature, and not always consistent. For evils of general prevalence, however, there is always some cause of general and uniform operation; and it certainly is not unfair to argue that the same circumstances which have led to such a calamitous state of things at one period, may lead to similar effects at another; therefore, that an aggravation of those causes which produced the embarrassments prevalent from 1822 to 1825, may produce the same, in a still more oppressive degree, at present, and may render them insupportable hereafter.

That there is an immense reduction in the value of colonial produce, is not a matter of conjectural speculation. It will not be denied that it has been taking place gradually since the interruption of the direct trade, until it may be affirmed that the nett proceeds of a single hogshead of sugar are less, by ten pounds sterling, than they were in the last year.

It is not a matter of doubt to the undersigned that the total loss to the West India planters of a direct trade with the United States, the most natural source of their supplies, and the most profitable market for their productions, by enhancing the price of the one, and not merely lowering the price, but diminishing the quantity of the other, is sufficient, without the aid of other causes which might be cited, to produce a state of distress greater even than that of which they at present complain.

The Earl of Aberdeen will scarcely need be informed that the consumption, in the United States, of West India produce, is very considerable; but it may not be superfluous to state that, of foreign sugar alone, it is certainly little less than sixty millions of pounds per annum; of foreign molasses, it is not less than thirteen millions of gallons; and of foreign rum, it is equal to three millions and a half; and yet, in consequence of the present

embarrassments of the direct trade, the importation of British West India produce has substantially ceased.

It does not appear, in the mean time, that the planter has been indemnified for his loss by any other market. In that of London, he certainly has not: it neither requires the surplus produce thus left on the hands of the planter, nor offers him an equal price for that which it consumes.

The freight to New York is one shilling, and to London five shillings per hundred weight; the difference of insurance between the two places, also, is as one to six per cent. The price of sugar, therefore, ought to be proportionably higher in the London market. The Earl of Aberdeen will perceive, however, by a reference to the prices current of Philadelphia, Boston, and London, already submitted to his inspection, that, instead of being greater, the price is less in the market of London than in that of the United States. The sugar of St. Croix, which is of an inferior quality to that of Jamaica, is quoted in the prices current of the United States at from eight to ten dollars and fifty cents per hundred weight; and while the price of nine dollars and fifty cents, after deducting freight and duty, would nett twenty-five shillings sterling, the prices in London, it is believed, do not nett more than twenty-two shillings per hundred weight, for sugar of similar quality. The undersigned begs leave also to remark, that an examination of the same prices current, for the purpose of comparing the prices of the lower qualities of sugar, as well as of rum, would present a more striking disparity in favor of the market of the United States.

It may not be necessary to assert the impossibility of supplying the West India islands at present without the aid, directly or indirectly, of the United States. If this were not the case, unless the supplies could be drawn from other possessions of Great Britain, the undersigned will not imagine that there could be any motive or pretence, as between other nations, to exclude the United States; more especially as it is not likely that any other nation could furnish them on terms equally advantageous.

But the undersigned may assert with perfect safety, that, for a great portion of their principal supplies, especially flour, Indian meal, rice, boards, staves, and shingles, the West India islands must be, for a long time, dependent upon the United States; for rice, in fact, they must always be so. The proximity of the ports of the United States and the West India islands to each other; the adaptation of their productions to their mutual wants; the capacity of the United States to furnish the principal articles of provisions, at all seasons, in a fresh state, and by a cheap navigation; and, above all, the extent and steadfastness of their demand for the island productions, not only constitute them the best customers of the planters, but give them advantages for such a trade not possessed by any other nation. Even the British northern possessions, if in fact they were equally capable of producing the necessary articles, could not enter into competition upon equal terms. The physical impediments which, for at least half the year, embarrass their intercourse with the islands, compel the latter, during that time, to look elsewhere for any immediate supplies of which they may stand in need.

Not to dwell too minutely on this point, the undersigned will content himself with referring to the general course and extent of this trade in all past times; to the value of the supplies uniformly furnished by the U. States, under all the disadvantages of a restricted and embarrassed intercourse; and to the vast amount which is even now finding its way through indirect and difficult,



and consequently expensive channels, under a positive and total interdict of the direct trade. Surely if other parts, with which the trade is not merely direct, but highly favored, were actually able, from their own resources and productions, to furnish these supplies, there would be no recourse for them to the United States.

The undersigned is unable to speak with precision of the amount of provisions and other articles actually supplied from the United States in the present course of business. There is a difficulty in tracing the trade through the numerous channels into which it has been diverted from its natural course. Tabular statements are not, in all respects, full and accurate; especially when they relate to merchandise transported across the frontier lines, and passing down the St. Lawrence to the northern possessions; of such there being but little, if any, account taken in the custom-houses.

These circumstances render all conclusions on this subject more or less matters of conjecture. It is the opinion, however, of the most intelligent persons engaged in the trade, both before and since the order in Council of 1826, and an opinion which, it is believed, cannot be controverted, that an amount equal to more than a half of that heretofore exported through the direct channels still continues to go by the present circuitous routes. It has even been asserted by intelligent commercial men, that Jamaica has not consumed less of the flour, and provisions generally, of the United States, though at an additional and oppressive expense, than when the trade was direct. The routes through which these supplies now pass comprehend not merely the northern possessions, which have the solitary advantage of occasionally affording a better assortment of goods, but the islands of St. Thomas and St. Bartholomew's, Martinique, Guadeloupe, and the port of St. Jago de Cuba.

It is believed that those facts will be fully sustained, so far as certain official returns in the archives of this Government, to which the undersigned has had access, may be relied on. One of these, being a comparative account of the quantity of provisions and lumber imported into the British West Indies in the years 1825 and 1828, the undersigned has already submitted to the Earl of Aberdeen as deserving of particular attention. It would appear from this, that, of the *corn* and *grain* imported into those islands in 1825, amounting to 383,332 bushels, 237,248 bushels were introduced from the United States, 7,012 from the British colonies in North America, 9,249 from the foreign West Indies, 1,584 from foreign Europe, and the remainder from the United Kingdom, and the islands of Jersey and Guernsey; thus constituting the United States, in the regular course of the trade, the natural and cheapest source of supply. It also appears that in the year 1828, of the aggregate importation, then reduced to 351,832 bushels, 27 bushels only were introduced directly from the United States; but, from the foreign West Indies, 126,221; from the British colonies in North America, 45,495; from foreign Europe, 464, and from the United Kingdom, &c. 172,718 bushels.

In 1825 there were imported into the same islands 202,737 barrels of meal and flour; of which the United States supplied directly 161,568, the British colonies in North America 4,232, foreign Europe 400, foreign West Indies 21,090, and the United Kingdom, &c. 15,447 barrels. In 1828 the aggregate importation of the same articles was 206,653 barrels; of which the United States sent directly 940 barrels, and the foreign West Indies 142,092, the British colonies in North America 36,766, foreign Europe 1,135, and the United Kingdom 25,331.

A similar result is more strikingly presented in the article of rice; and it is also shown by the same account, that, of the amount of lumber introduced since the interruption of the direct trade, nearly one half of the most valuable kinds, which previously went directly from the United States, passed through the foreign West Indies; of shingles, considerably more than one half; and of staves, a greater number were imported from the foreign West Indies in 1828 than were introduced directly from the United States in 1825.

It will not escape the attention of the Earl of Aberdeen that the foreign West Indies derive their means of exporting these articles principally, if not exclusively, from the United States; and that, while the importance to the planters of their direct trade with the latter is thus exemplified by these statements, it is also shown that the diversion of it into indirect and circuitous channels does not confer equally substantial advantages upon the British northern colonies.

With this view of the subject, the undersigned takes leave to ask, why may not these supplies, which must thus necessarily be drawn from the United States, be furnished by means of a direct trade? It must be admitted that the evils of the indirect trade fall upon the planters. Among these may be considered the charges of double freight and insurance, the expenses of transshipment, and the commissions and duties in the neutral islands, estimated at 50 per centum on the first cost of lumber, and from 15 to 20 per centum on provisions. So far as this estimate relates to lumber, it is fully warranted by the official account of the comparative prices of that article in Jamaica in the years 1825 and 1828, already submitted to the Earl of Aberdeen; and as it respects provisions, the duty of five shillings per barrel on flour, and in proportion on other articles, as completely sustains it. But to these evils, great as they are, must be added the total loss of the market offered by the United States under a direct trade, the extent and advantages of which have already been shown, and would have continued for an indefinite length of time, if not interrupted by these restrictions.

It is true the cultivation of sugar had been commenced, and is extending in the United States, but under difficulties and impediments arising from the nature of the climate, and the frequent injury of the crops by the variableness of the seasons. It has to contend, also, with the superiority, if not the indispensable necessity of foreign sugar for the purpose of the refiner. The demand of the latter is steadfast and increasing, being commensurate, not merely with the consumption of refined sugar in the United States, but the growing trade in it with all parts of the world. The exportation of refined sugar has also been further encouraged by a recent augmentation of the drawback, placing it on an equal footing with domestic sugar in respect to foreign markets. Under these circumstances, while the direct trade remained open, there would, as has been said, have continued a great and augmenting demand for the West India sugars for an indefinite length of time. The present restrictions, however, menace the planter with its total loss, if, in fact, they have not already ensured it. In proportion as they augment the embarrassments and expense of the trade with the British West India islands, they compel the United States to grow their own sugar, and act as bounties to encourage and improve its cultivation; or they induce them to look for their indispensable supplies to other islands, more liberal in their commercial regulations.

In the mean time, the planters, while they lose a market, ample, constant, profitable, and contiguous, find no indemnification in that of the northern possessions, whose consumption is comparatively limited, nor in that of the mother country; for there, in addition to the low prices already adverted to, they must encounter the sugar of the Mauritius, which, being now placed on an equality with their own, has increased the amount of its importation, in the course of five years, from four thousand six hundred, to a little less, as it is believed, than thirty thousand tons. From this state of things, therefore, serious injury arises to the trade, both of the United States and of the British West India islands. So far as that injury presses upon the latter, it is confidently submitted whether plenary relief can be found, as has been supposed, in the reduction of the duties upon their produce, unless it be in a manner to give them a monopoly in the home market equal to that of which they have been deprived in the United States; or even then, unless the reduction be in proportion, not merely to the loss of the market, but to the increased charges incident to the indirect trade for their necessary supplies.

The supply of sugar is already greater than the demand of the home market; and the amount of reduction of duty could not be a clear gain to the planter, because it would be also attended with a partial fall of the price, and his gain could be in proportion to the latter only. This mode of relief, without a correspondent reduction of the bounty allowed to the refiner, would be prejudicial to the revenue, but, with such reduction, much more injurious to the refiner; and if, as it may be well supposed, one half, at least, of the sugars imported from the West Indies are manufactured for exportation, it is not likely that such mode of relief would, in any event, be beneficial to the planter. It is suggested with great respect and deference, that the more obvious and natural remedy for an evil, which all must admit, would be to remove the cause. This would be done by cheapening the supplies, and extending the market for the productions of the islands, and by authorizing a direct trade with the United States to a degree commensurate with the interests and necessities of the islands, and on such terms as are now allowed, for similar purposes, to all the rest of the world.

The partial application of a like remedy produced a salutary effect from 1825 to 1826; and, therefore, it may well be presumed that a more thorough experiment on both sides, at present, would be still more beneficial. At that time, undoubtedly, the British northern possessions neither complained nor had cause of complaint; still less can any such cause have arisen since, as their monopoly of the direct trade, instead of relieving, has only aggravated the sufferings of the planters!

It has been stated to the undersigned, however, as the opinion of Great Britain, that, while devising measures for the relief of the West Indies, it is, at the same time, indispensably necessary to consider the claims of the northern possessions to be protected in the enjoyment of certain accidental advantages. Though the undersigned by no means admits the justice of these claims, he would observe, that, if they are to receive protection, it ought, at least, to be effected in some way not inconsistent with the meditated relief of the planters. This might be done by granting greater facilities for the introduction of the produce of the northern possessions into the mother country—a measure which would not merely benefit them, but would ensure important advantages to Great Britain, by increasing her revenue, and augmenting and perpetuating the consumption of her manufactures in those possessions.

But the proposition does not go to exclude the productions of the northern colonies, or even to expose them without protection to a competition with those of the United States. It supposes, on the contrary, that, as far as the former are capable of producing the articles in demand, a fair preference is already secured to them in the West India market by the scale of duties prescribed by the act of 1825, and fully commensurate, consistently with the interests of the planters, with that object. That scale could only prove insufficient if the capacity to produce did not exist, or should depend for its existence upon an exclusive monopoly ruinous to all other interests.

It is not for the undersigned, therefore, to object to that scale of duties as regulated by the act of 1825, though it must be allowed to give the productions of the northern possessions of Great Britain an equal, or even a better chance in the West India market; but he requires that the United States, as far as they are capable of supplying its wants, may be permitted, in common with the rest of the world, to contribute supplies by a direct trade, and that they may be the carriers of such of their own productions as are indispensable or highly necessary to the planters. That the northern possessions have an interest in the present state of things, the undersigned does not mean to deny, nor particularly to state. It is sufficient for him to repeat what has been already remarked, that the interests which have grown up in that quarter are adventitious in their character, and subordinate to all the great considerations connected with this subject. They may be of some importance in themselves, and yet there may be views of higher moment and grander scope, to some of which allusion has already been made, before which, in every sense, they ought to give way.

It will be difficult to maintain the propriety of the claim by the northern possessions, that they should be secured in the enjoyment of a direct trade with all parts of the world, and that it should be denied to other possessions of Great Britain, to whom it is more necessary.

Of the capacity of the British West Indies to supply with their productions all the demands of the northern colonies, there can be no doubt; yet those colonies, by a direct trade, may introduce similar productions from foreign countries; why, then, may not the British islands be permitted by the same medium to introduce those articles which the northern possessions cannot supply, and for which they are dependent upon others? If the Canadian may import from foreign countries by a direct trade merchandise of which he is not in need for his own subsistence, and which he may procure from other colonies of Great Britain, why may not the West Indian receive from the United States in the same direct manner that which is indispensably necessary to him, and which none of his Majesty's colonies can supply?

The undersigned does not pretend to state, since he is unable to obtain the information requisite to enable him to state with accuracy, the precise proportion which the productive capacity of the northern possessions bears to the wants of the West India islands. It is the general opinion that the productions of those possessions, especially corn and other bread stuffs, but little exceed the quantity required for their own consumption; and that the amount of those articles, and even of lumber exported by them to the mother country, the West Indies, and to other parts, is derived principally from the United States, and from some ports of Europe. This opinion would seem to be confirmed by the state of the trade between those possessions and the United States, and by the encouragement given heretofore,



and at present, by low duties, to the introduction into their ports from the latter of most, if not all, of the foregoing articles.

The exports from the United States to the British American colonies consist principally of flour, meal, Indian corn, wheat, shipbread, rice, pot and pearl ashes, butter, and lumber; amounting annually, according to the circumstances of the year, to from two and one half and three and one half millions of dollars, and little inferior in value to the aggregate exports from the United States to the British West India Islands in an open trade.

The Earl of Aberdeen has already inspected the official tables of the exports of domestic articles from the United States during the year 1827; and though, for purposes of comparison, similar tables for 1828 would be more precise, it is believed they would not diminish, if they did not add to the weight of those of 1827. From this statement, and a recurrence to the account already explained, to say nothing of the amount of produce passing down the St. Lawrence, of which, as has been observed, little, if any, account is taken in the United States, the Earl of Aberdeen will perceive that, after a full experiment of the advantages afforded to the British northern colonies by the present course of trade, they are in fact dependent upon the United States for considerably more than double the amount of their exports to the British West Indies.

By these statements, it appears that, in 1828, the British northern colonies exported to the British West India islands 45,495 bushels of corn and grain, and, as far as the trade in 1827 may be considered indicative of that of 1828, they received from the United States 88,456 bushels of the same articles; that, of flour and meal, they received from the United States 136,770 barrels, and exported to the West Indies only 36,766; and that a like proportion is observable in the articles of ship bread, and biscuit, and rice. Of lumber, the official tables of the United States are not supposed to afford any satisfactory account; and in respect to pot and pearl ashes, the British statement is silent; though it will probably be conceded that the supplies of the latter articles are principally from the United States.

On looking to the large amount of importations from the United States by the British northern colonies, the comparatively small exportation from the latter to the British West Indies cannot escape observation. That these islands require much more than the quantity furnished them by the north, is shown, not only by the table of their direct trade with the United States, but by the amount furnished at present, under all the pressure of the discriminating duties, from the foreign West Indies. It is a matter, in fact, that does not admit of a doubt. That the northern colonies do not, under these circumstances, send more of the produce received by them from the United States, must be either because a great part of it is absorbed by the demands for the home consumption, or that it is necessary for their export trade with other parts of the world. The first cause satisfactorily evinces the incapacity of those possessions, even under their present advantages, to augment, in any considerable degree, their own productions; the last does not merely evince this, but manifests more strikingly the inexpediency of their claim to a monopoly of the trade with the West Indies, to the exclusion of the United States, upon whose productions they are themselves dependent, not only for their trade with the West Indies, but also for that with the mother country, and with the foreign European parts.

If these facts should be considered as requiring further confirmation, it may be found in the testimony of several of the most intelligent inhabitants

of the northern colonies, taken in 1826, before the select committee on emigration, by which it appears that, at that period, and previously, Lower Canada did not supply any flour suited to the West India market; and that the whole of the exports of the Upper Province, not exceeding 40,000 barrels, were disposed of in the ports of Newfoundland, New Brunswick, and Halifax, and were insufficient for their wants; that Quebec depended, in a great degree, for provisions, upon the supplies furnished by the United States; and that Canada, at the time, found the utmost difficulty in subsisting her own population. It was further stated in that testimony, that "there was not sufficient corn grown in Upper Canada to induce any foreign market to deal with them; and that it would be extremely desirable, for some years to come, to introduce American flour into the Canadas, in order to make up their deficit for the supply of the West Indies:" that, in fact, their own supply to the West Indian merchant was very inconsiderable, and "that they formed a very secondary consideration in his estimation." One of the persons examined on that occasion, a legislative councillor of Lower Canada, gave it as his opinion, and as one which he thought would be taken for granted, that the provinces of the two Canadas would not be able, from their own produce, to supply a single barrel of flour to the West Indian market for the next twenty years. Without presuming that any of these opinions are in all respects accurate, but making every allowance for the character of such answers, which, if in any degree erroneous, are likely to err in favor of the Canadas, it may be safely and confidently assumed that the northern possessions do not now, and cannot for a great number of years, however they may be favored and encouraged, produce the requisite supplies for the West Indies. They must rely upon other sources, and principally upon the United States, not merely to furnish the deficiency, but as consumers of the West India produce. To this extent, and for these purposes, the proposition of the undersigned asks for a direct intercourse. The undersigned would here observe, moreover, that the northern colonies offer as little advantage in their demand for the produce of the British West India islands, as in their capacity to furnish supplies. He is aware of the erroneous supposition that the United States, in their direct trade with the British West Indies heretofore, did not take so much of their produce as of specie, to be invested, as it was imagined, in the produce of other islands. So far, however, as it may be thought to argue an unfavorable course of trade between the United States and those islands, he may confidently rely for its refutation, not only upon its obvious improbability, but upon the past, and even the present course of the trade.

It is obvious that the restrictions by which the trade of the United States with the British West Indies has been so frequently embarrassed, offered peculiar inducements to the importation of specie; but on this head the undersigned may venture to affirm that the amount of specie has not, at any period of the direct trade, exceeded much more than one fourth of the importation into the United States through those islands.

Without stopping to detect the error of supposing any thing unfavorable to the general result of trade from the exchange of specie for produce, which Lord Aberdeen is aware is a natural occurrence, incident to commerce in all parts of the world, it will be sufficient to observe that, as the advantages of the direct trade to the West India planter were never doubted, it may fairly be inferred that the exchanges were mutually made in the most profitable medium. That specie was occasionally received for part of the

supplies furnished by the United States, need not be denied; which would prove, only, that, from the general result of their traffic with other parts, the West India planters were enabled to deal more profitably in specie for the produce of the United States—this affording additional illustration of the mutual advantage of their intercourse. But the undersigned takes leave wholly to doubt that specie was so taken for the purpose of being invested in similar articles in the foreign islands.

Unless an occasional instance of the kind has been produced by the pressure of those restrictions which it is now proposed to abolish, the occurrence of it would argue in the merchant the unaccountable folly of submitting to a prolonged voyage, but reduced freight, and to the other disadvantages of a circuitous trade, in the search after commodities which lay ready at hand, and which he might convey immediately to his market by a direct voyage, and at a better freight.

It will doubtless, however, occur to Lord Aberdeen, that, whatever may have been the course or nature of the exchanges in a direct trade, they were not merely adapted to the necessities of the parties, but are not likely to be improved under the embarrassments of an indirect trade; or that more produce and less specie would pass off through the circuitous than the direct channel.

Though the northern colonies may become the carriers, they do not thereby become the consumers, except to a limited extent, of the West India produce. Their capacity to consume in produce the value of all supplies carried by them to the West Indies, or even of that part going from the United States, will not be asserted; and therefore, it is not perceived how such produce can be received by them, unless from a reliance on the consumption of it in the United States, or other foreign parts. Indeed, in some of the official and other statements furnished by those provinces to the British Government, the advantages of a free transit of American flour through the northern possessions are argued from the expectation that those districts in the United States which furnish the flour will receive from the Canadians foreign produce in barter! Not to advert to the complete annihilation of such expectation by an interdict of the supply through such a channel, it must be obvious that the United States will not take more produce or less specie under the embarrassments of an indirect intercourse. It is, on the contrary, reasonable to infer that, in such case, for the more bulky articles of West India produce, they would be led to rely, in a still greater degree, upon foreign islands, with augmented facilities; and that they would require specie in return for that portion of their supplies passing through the northern colonies; thereby increasing rather than diminishing the drain of that article, so far as it may be supposed to be affected by those regulations.

The undersigned would beg leave further to observe, that a refusal of the proposition which he has had the honor to make can have no other obvious pretence than, by means of a monopoly, to give a forced growth to the productions of the northern possessions, and, in the mean time, to compel the carrying of the produce of the United States and that of the British West Indies through their ports!

The very necessity of a monopoly to effect such a purpose, however, clearly points out the difficulties of production, and the embarrassments of such a course of trade, and shows the losses and distresses to which the planter must be subjected for an indefinite length of time.

It is by no means certain, however, that these objects are consistent with

each other, and that the abundant supply of the productions of the United States through the northern ports would not as effectually discourage the productions of those possessions as the direct trade, and in this way perpetuate the monopoly. Such a result is shown to be more than probable by the foregoing observations, and by the official statements to which they apply. But it is perfectly certain that, if this monopoly should have the intended effect of fostering the growth in Canada of the articles required for the West India market, it would also have the effect of impelling the United States to the cultivation within themselves of the articles for which they have been accustomed to depend upon the West Indies, and consequently of diminishing their demand for those articles. The ability of the north to supply the planter, therefore, would be attended with the loss to the latter of the means of purchasing the supply.

The reasonable duty proposed by the act of 1825, even without the aid of the additional privileges to which the undersigned has heretofore presumed to allude, by gradually and reciprocally developing the resources and the means of consumption of the northern possessions, by providing a necessary revenue for the planters, and in the interim affording them an advantageous market, would be much more effectual in attaining all rational and desirable ends.

From an impartial view of all the considerations involved in the subject, may not such a course be deemed worthy at least of an experiment? Whether we regard the general deductions of argument, or the series of indisputable facts arising out of the course of trade before and since the order in Council of 1826, it can scarcely be denied that the present state of things has, thus far, produced greater injury to the British West Indies than benefit to the British northern possessions; and that the regulations of the act of 1825 would be extremely beneficial to the planters, if indeed not absolutely remedial of their great distress, will not be questioned. From a recurrence to those regulations, therefore, much positive good is certain to arise; whereas the injury apprehended to others exists only in conjecture, can be ascertained only by experience, and may always be remedied by the protecting measures of Great Britain. It would appear, therefore, to the undersigned, not merely courteous to the United States, but just to the various possessions of Great Britain, to recur to the expedient of trying, under the favorable legislation of both countries, the real utility of the adjustment of 1825.

If the encouragement of the northern productions be not sufficient in its results to justify the permanent exclusion of those of the United States from the British West India islands, it is equally unreasonable to insist that the latter and the produce of the islands shall be carried circuitously through the northern ports, at a loss to the producer. The present demand, in addition to the indemnities actually enjoyed by the northern ports, strips the West India planter of every advantage intended for him by the act of 1825, taking from him not merely the general benefits of a direct trade, but at the same time depriving him of the revenue provided for the support of the local government. That the productions sent through the Canadas are not cheaper in the West Indies than those going through other ports, is shown by the fact, already made apparent, that a very important part of their supply is carried in the latter way, and especially through the Danish islands; but, as no duty is collected on that coming from the British possessions, the planter, on his paying the same price as for that charged with a duty, must, in addition, make up, by some other means, the loss to his revenue.



It is at such sacrifices of public considerations, and of important interests of Great Britain herself, that the present claim is made, of forcing the trade of the United States with the British West India islands, through the British northern possessions.

The undersigned might here ask the question, whether advantages like these now claimed, uncertain and contingent as they must necessarily be, deserved to be cherished at the risk which must eventually attend them? Are they of sufficient magnitude to justify the encouragement of a spirit of jealousy between two neighboring nations, whose prosperity, it is admitted, would be best promoted by mutual good will, or the sowing in the population of these northern possessions the seeds of commercial hostility, which may produce roots of bitterness, difficult to be eradicated.

The undersigned, however, hopes to be excused for asking Lord Aberdeen to consider whether this claim be not as difficult of attainment in fact, as it is of justification in reason?

That the United States may be prevented from enjoying a direct trade with the British West India islands, is not to be questioned; but it does not follow that they can be compelled to carry on the indirect trade through the British northern possessions in preference to the other ports, and in opposition to the interest and inclinations of the American people. To ensure a continuance of such a constrained state of things would require a far greater degree of favor than Great Britain gives to those possessions at present, or could give at any time without effecting the ruin of her West India planters.

The present course of trade through those colonies, in fact, owes its existence, in a great measure, to the toleration and forbearance of the United States. They have submitted to it for the moment, in the expectation that the regulations of the order of 1826 were merely temporary, and would yield, in due time, to a liberal regard to the general interests of commerce. But when Great Britain shall avow the intention permanently to exclude the United States from the direct trade with her West India islands, and to compel the interchange of their products to pass through her northern possessions, for the purpose of creating or sustaining rival interests in that quarter, it will then be for the United States to decide whether their indirect trade may not be more profitably conducted through other channels.

So entirely dependent are the northern possessions upon the will of the United States for the advantages which they now enjoy, that a simple repeal of the restrictions alluded to in the proposition which the undersigned had the honor to submit, if the United States could be supposed so entirely unmindful of their navigation interests and enterprise as to make it, without any act on the part of Great Britain, would effectually destroy their monopoly. And moreover, if it should be deemed necessary or proper to aim measures at these provinces alone, the permission of a direct trade from the ports of the United States to the British islands, in British vessels, other than those owned in the northern ports, would not only break up the existing trade in that direction, but would for ever blight even the imaginary prospects of future production.

The advantages to the United States, however, of employing their own navigation in a part, at least, of the trade—of enlarging and conciliating their interests in the colonies of France, Spain, Sweden, and Denmark, and, by reciprocal accommodations, of gradually increasing the market in those parts, both for demand and supply, would powerfully, if not irresistibly, tempt their trade into those channels. Indeed the official returns heretofore ex-

plained sufficiently show that it has, in fact, been already invited thither, in a considerable degree, by advantages which it would not be difficult to augment, until the commodities could be introduced as cheap as those of Great Britain, unless the latter should be protected by a higher scale of duties than was contemplated by the act of 1825, and one beyond the ability of the planters to endure.

The Earl of Aberdeen will do the undersigned the justice to believe that, in discussing the contingent policy of the two countries in the arrangement of their commercial enterprise, he holds forth no apprehended event with a view to intimidate, or through a desire that it may take place. He will also perceive that the measures last alluded to would not necessarily imply, on the part of the United States, either resentment or retaliation; but would be resorted to as the system of commercial regulation calculated, under the circumstances of the case, to give the best direction to an important branch of their enterprise.

To such extent they would be altogether practicable, and might be supposed indispensably necessary. They might, indeed, from the natural tendency of such measures, and the peculiar influence of events, and in the total loss of the trade between the United States and the British northern possessions.

In such a view of the subject, though the undersigned will not here undertake to pronounce upon the value of the trade in question, he would suggest that it may be worthy the consideration of those who claim the advantages of monopoly rather than of fair competition, whether the loss of it, with the chance of contesting with the foreign islands for the trade with the West Indies, be preferable to a reasonable enjoyment of both?

That the United States possess the means of effectually controlling their trade through and with the British northern colonies, the undersigned is fully confident.

He is aware, however, that a contrary idea has been entertained by some, who may have regarded the subject in a narrow or interested point of view.

In adverting to this topic, the undersigned will not permit himself to suppose that the possibility of evading the revenue laws of the United States, and of producing a course of contraband trade, in violation of their legitimate regulations, can for a moment enter into the calculations of this Government, or receive the remotest degree of encouragement or countenance from its measures and policy.

If no other motive opposed the adoption of such an alternative, Great Britain would find a sufficient one in the certainty that, however, for the moment, it might minister to the jealousy, or appear to favor the interests, of her subjects in the colonies, it would eventually produce the most baneful effects upon their morals and their habits. Thus corrupted, the skill and hardihood acquired in evading and transgressing the laws of a neighboring country, would afterwards be practised against those of their own Government.

But in addition to the general disfavor with which any expectation of benefit from a contraband trade should be met, Lord Aberdeen may be assured that it would not be difficult for the United States to prevent such a trade altogether. A more efficient cordon of police and a greater degree of vigilance might be requisite than in ordinary times; but the fidelity of the American custom-house officers has been thoroughly proved, and their exertions, even upon this frontier, have in general been adequate to all substantial pur-

poses. Such was the case even when they were called upon to enforce the embargo and non-intercourse laws, when they received but little sympathy or encouragement from the moral sense of the community. The fact is, however, too clear to require argument, that the amount of trade to be carried on by smuggling, however successful, would be inconsiderable in comparison with the extent and profits of a legal and regular intercourse, and therefore is entitled to but little weight, even when regarded with a view to pecuniary results. Lord Aberdeen will not require to be reminded, that, to prevent illicit trade, it is chiefly necessary to remove the temptation of high prices, or to create a risk greater than the reward to be gained by successful fraud. Nothing could be more easy than this, in respect to the mode of intercourse now under consideration.

The interposition of the custom-house officer would scarcely be requisite to prevent the introduction of West India produce into the United States through the northern colonies. Arrangements could readily be made with the powers to which the foreign islands belong, to furnish the requisite supplies of West India produce from those islands, on cheap terms, and in steady and abundant quantities. These arrangements would of themselves forbid competition. But whilst American flour can be carried to the British West Indies as cheap from the United States through the foreign islands as through the northern possessions, though subject to the discriminating duty, in favor of the latter, of five shillings per barrel, it will not be supposed that the bulky articles of sugar, rum, and molasses, without such aid, can be tempted through the northern possessions by the risk of detection and the penalties of the law!

The undersigned does not believe that the temptations and facilities for the introduction into the northern colonies of flour and other articles, from the United States, are materially greater.

So far as the trade with the British West Indies can operate as an inducement, it has been seen already that American produce is carried thither as cheap through the foreign islands as the northern ports. The supply of American flour in the northern colonies is believed to be principally furnished by the Genesee country and the country bordering upon lake Erie; and it stands admitted in the evidence upon the archives of the House of Commons, that, for flour, the market at New York is generally better than the market at Montreal and Quebec. Indeed so important is the operation of these facts, that the most intelligent merchants suppose that so much of the American trade with the British West Indies as passes through the northern colonies, instead of the foreign islands, is chiefly diverted thither by the greater facilities of procuring in those ports an assorted cargo suitable to the West India market.

In the testimony afforded by the inhabitants of Lower Canada to the committee of the House of Commons in 1826, it was asserted, and remained uncontradicted, that, "against the superintendence of the British custom-house officers, it would be impossible to smuggle any part of a cargo, or even a barrel of flour, into the province of Lower Canada." On this ground they were enabled to encourage the introduction of American flour in proportion to the amount of their exports to the West Indies and other places, without danger of its being brought into the home consumption. And the encouragement then given shows the importance attached by His Majesty's Government to that evidence. On this supposition, Lord Aberdeen will readily acknowledge the facility with which the United States, through

means of a custom-house police, strengthened and extended according to their means, may accomplish the same ends; more especially as the readier interdiction of the return trade from Canada into the United States, by diminishing the means of payment, would also diminish the motives to incur the risk and penalties incident to a prohibited trade. The undersigned is apprehensive that he has already dwelt longer upon these considerations than is necessary after so much personal explanation as he has heretofore had the honor of yielding, and will content himself, as to any further arguments that might be offered, with referring to the various other suggestions which have been made by him in the course of this negotiation. He cannot, however, entirely dismiss the subject without repeating, for the last time, his deep solicitude for the result and without most earnestly recalling the attention of His Majesty's Ministers to the state which the relations between the two countries would be left should this point be unfavorably decided. In such case the Government of the United States, while disappointed in its cherished hopes of an arrangement by mutual and reasonable concessions, would find nothing conciliating in the retrospect of a long course of fruitless negotiation, and nothing cheering in the future prospect, darkened, as it would be, by the possibility of a recurrence, by the two nations, to that system of countervailing measures that has already proved so detrimental to their harmony and welfare.

The undersigned takes this occasion to renew to Lord Aberdeen the assurance of his highest respect and consideration.

LOUIS McLANE.

To the Rt. Hon. the Earl of ABERDEEN, &c. &c. &c.

---

*Extract of a letter from Mr. McLane to Mr. Van Buren, dated London, 6th April, 1830.*

SIR: I have had a conference with Lord Aberdeen to-day, which I sought for the purpose of urging the definitive answer to my proposition relative to the colonial trade. In my previous conference, he gave me some reason to expect that it would be given in time for this packet, but I regret to say that this expectation has not been realised. He assures me that the delay has been wholly unavoidable, and that it proceeds from no indisposition to obviate the difficulties, if that be practicable, which lie in the way of a satisfactory adjustment of the question.

I have not failed to represent to him the very serious injury and embarrassment which must result from delaying the answer until the Congress shall rise, and of what I fear may be the insuperable difficulties of any prospective legislation with a view to a future arrangement. None of these efforts have yet proved sufficient to bring the answer.

Under these circumstances, unless Congress shall continue in session until the arrival of the packet of the 16th instant, which I hope they will do, it will not be possible to get the decision in time to be submitted to that body. Deeply as I lament this state of things, I need scarcely say that it has not been possible for me, by any exertion, to avoid it.

In this stage of the business, it may be proper for me to remark that the negotiation must end in one of three modes; in a positive refusal to change the present regulations, or a revocation of the order in Council of 1826,



upon the terms of my proposition, or in a revocation of that order, with some increase of the duties imposed by the act of Parliament of 1825, in favor of the productions of the northern possessions.

Looking as well to the progress of the negotiation as to the obstinate and persevering opposition, by the interests in those northern possessions, to any change whatever, and to the influence which it is obvious they exercise here, I confess that the last mode appears to me the most probable. I do not believe that any legislation by Congress, with a view to that state of things, and vesting in the President a discretion to regulate the trade or rescind our laws in either of these contingencies, would in any manner prove prejudicial.

---

*Extracts of a letter from Mr. Van Buren to Mr. McLane, dated*

DEPARTMENT OF STATE,

*Washington, June 18, 1830.*

SIR: Herewith you will receive a copy of the confidential message which was sent by the President to the two houses of Congress, during its late session, in pursuance of your suggestion, that the measure recommended by it might be made useful in your negotiations with the British Government, together with a copy of the law which was the result of that message.

\* \* \* \* \*

It is confidently hoped that the law referred to, with the motives in which it originated, and which secured it a rapid passage through the two houses of Congress, without material opposition from any quarter whatever, added to the frank and liberal offer and explanations already made to the British Government on the part of the Executive Department of this, will, of themselves, be regarded by that Government as affording sufficient ground for its changing the position which it occupied in regard to the subject of its colonial trade, in all its bearings, so far as it affected the United States, at the period of the accession to power of the present ministry, and for the adoption of a course of policy which may lead to the speedy and mutually advantageous revival of trade between the United States and the West India possessions of Great Britain, if, indeed, that important concern should not have been already satisfactorily adjusted. It ought to be regarded, likewise, as a direct conciliatory step on the part of this Government, of the highest character, as emanating from its executive and legislative authorities combined, and as a solemn public movement on our part towards a friendly accommodation with the British Government, upon terms of a fair and just reciprocity.

You will have been made acquainted, in the instructions which have been heretofore given to you, with the opinion of the President as to the course which would most probably be pursued by the United States if Great Britain should think proper to insist, as a preliminary measure, upon the unconditional repeal of our laws, or should be so selfish as to desire to engross for its navigation the whole of the carrying trade between this country and its West India colonial possessions. But that your negotiation may continue to be characterised by that spirit of frankness which it has hitherto been a leading object on our part to infuse into it, I am directed explicitly to state,

upon this occasion, that the President will consider it his duty, in case that negotiation should eventuate unfavorably upon this point, to recommend to Congress an extension of the interdict now existing as to the West India possessions of Great Britain to those which she holds in the northern parts of this continent, and the adoption of proper measures for enforcing its rigid observance, as a course which would, in his judgment, best comport, in such an event, with the interests of the United States, and correspond with the respect which is due to the character and past conduct of this Government. It is not for him, however, to anticipate with certainty the effect of such suggestions upon the national councils of the Union, though it is not to be supposed that, in such a case, any thing will be omitted on their part to vindicate the honor and maintain the interests of this Government.

---

*Mr. McLane to the Earl of Aberdeen.*

9, CHANDOS STREET, PORTLAND PLACE,

*July 12th, 1830.*

The Right Hon. the Earl of ABERDEEN, &c. &c. &c.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has had the honor already, in a personal conference, to explain to the Earl of Aberdeen, his Majesty's principal Secretary of State for Foreign Affairs, certain measures adopted by the Congress of the United States, during their late session, which have an immediate and important bearing on the relations of the two countries, and upon the proposition heretofore submitted by the undersigned, respecting the West India trade. Having received from the Earl of Aberdeen an intimation of the propriety of communicating those measures in a more formal manner, the undersigned has the honor herewith to transmit such information on the subject as he is now in possession of.

The first of the measures alluded to is an act of the Congress of the United States, authorizing the President, in the recess of Congress, to annul all the restrictive and discriminating measures of the United States, and to open the ports to British vessels trading with the British West Indies in the manner particularly pointed out in the act; a copy of which, for the better explanation of the case, the undersigned begs leave to subjoin.

The undersigned has the honor also to inform Lord Aberdeen, that, during the late session of the Congress of the United States, several other laws were passed, by which, in lieu of the duties imposed upon certain articles of the produce of the West India islands, and of the possessions of Great Britain, by previous regulations, the following duties only are to be collected; that is to say: Upon molasses, a duty of five cents, instead of ten cents, per gallon, allowing at the same time a drawback of the duty upon all rum which may be manufactured from that article, and exported from the United States;

On salt, a duty of ten instead of twenty cents per bushel;

On cocoa, a duty of one cent per pound on all imported after the 31st of December, 1830, or remaining at that time in the custom-house stores under the bond of the importer;

And on coffee, a duty of two, instead of five, cents per pound, from and after the thirty-first of December, 1830; and of one cent per pound from and after the thirty-first day of December, 1831; and the same duties to be taken on coffee remaining at the respective times under bond in the custom-house stores.

The undersigned will not permit himself to doubt, that, in the first of these acts, emanating from the frank and friendly spirit which the President has uniformly professed, and passed with an avowed reference to the pending negotiation, the Earl of Aberdeen will see new and irresistible motives for concurring in the promotion of the end to which this measure directly leads.

Such a measure could not have been recommended by the President without incurring a deep responsibility towards his own country, and feeling a confident reliance upon the justice and magnanimity of this.

It is a voluntary and leading step in the conciliating policy of the two nations, taken in disdain of the restraints of form, and which, if met in a corresponding spirit, cannot fail to produce that friendly intercourse and real harmony so ardently desired by those who consult the true interests and glory of both countries. It concedes in its terms all the power in the regulation of the colonial trade, and authorizes the President to confer on British vessels all those privileges, as well in the circuitous as the direct voyage, which Great Britain has at any time demanded or desired. It has done this in the only manner in which it was possible for Congress, at the present moment, and under existing circumstances, to act, without a total abandonment of even those advantages conceded by the present regulations of Great Britain, and without raising up new interests to oppose or obstruct the favorable disposition expressed by this Government. Nor will the undersigned conceal his hope and belief that this act will stamp the negotiation with a new and more favorable character; and that the United States having thus taken the first step, and particularly defined the terms of their legislation, the mode of adjustment may be disencumbered of even those objections with which it was supposed to be embarrassed when submitted to Lord Dudley, and by the answer which on that occasion was given to Mr. Gallatin. The objections suggested at that period on the part of Great Britain had no special or exclusive reference to the measure in question, but to the giving of any prospective pledge by which she might commit herself to the adoption of any specific line of conduct contingent on events which could not be foreseen, and to the entering into any informal agreement as to mutual acts of legislation while it was impossible to anticipate the details with which those acts might be accompanied, or the position and circumstances in which the two countries, and the commercial commonwealth generally, might be placed at the time when the laws enacted should come into effect. If these objections could at any time have been essential to the subject, which the undersigned by no means admits, they certainly are not so at present.

The act of Congress has been passed without any pledge, prospective or otherwise; it therefore relieves the adjustment of this subject from that part of the difficulty. The details of the colonial legislation on the part of the United States are precisely defined and fully explained by the law. Frankly announcing all this, it leaves to Great Britain herself the selection of the mode and time in which, according to her conception of her own interests, she may restore the direct trade between the United States and the West Indies. She is enabled deliberately to do this with a full knowledge

of the beforementioned details, and of the precise position and circumstances, as well of the two nations as of the commercial commonwealth in general, at the time when the measures are to come into effect. This she may do without any risk as to the future, and with the certainty that, while doing an act of justice to a friendly power, and relieving it from an invidious exclusion from advantages allowed to all other nations, she is contributing materially to the prosperity of her possessions in the West Indies.

The undersigned will not dismiss this subject without expressing the hope and persuasion that, in the other measures of Congress alluded to, the Earl of Aberdeen will find not merely all the considerations heretofore urged for giving new facilities to the trade between the United States and the British West Indies materially strengthened, if not absolutely confirmed, but that a further and more favorable alteration is thereby made in the object and character of the negotiation.

These measures manifest at least a laudable desire to loose the shackles of trade and commerce, which, if England is so disposed, she cannot better encourage than by a relaxation of her own restraints upon the particular branch of trade under discussion.

The Earl of Aberdeen has been already informed that the consumption of foreign molasses in the United States is not less than thirteen millions of gallons, even under the discouragement of the high rate of duty and a denial of the drawback, which nearly proved fatal to the chief source of consumption—the distilleries of New England. It is obvious, however, that the reduction of the duty to its present low rate, and the allowance of the drawback, must swell the demand for this article even beyond the ordinary amount, which, in the regular course of a direct trade, would seek its principal supply in the British West Indies.

Of coffee, not less than thirty-seven millions of pounds were annually imported into the United States; and of those in a regular trade, not less than eight millions from the British West Indies.

Of four hundred thousand pounds of cocoa annually imported into the United States, little less than one fourth was brought from the British West Indies.

The Earl of Aberdeen will readily perceive that the reduction of duty on these articles, and especially on coffee, to a rate which will soon be little more than nominal, cannot fail to at least double the importation.

These remarks apply with even additional force to the article of salt, the consumption of which is more dependent on the rate of duty than that of any other necessary of life.

The enormous quantity of this article requisite to supply the wants of twelve millions of people is too obvious to need any conjectural assertion; but it is worthy of observation that, notwithstanding the extent of the home supply encouraged by the high duty of twenty cents per bushel, the annual importation of that article from abroad seldom amounted to less than five millions of bushels. Of this amount more than three millions came from Great Britain and her possessions, her West India islands furnishing at least one million.

To what extent this amount may be enlarged by the increased consumption arising from the low rate of duty and the advantages of an easy trade, the Earl of Aberdeen may readily conjecture.

It should be remarked, also, that, while the consumption of this article is thus augmented, the diminution of the duty must proportionably diminish



the price of salted provisions. So far as these, therefore, form part of the supplies to the West Indies, the subsistence of the islands will be cheapened, while the demand for their produce is increased.

It should not escape the attention of the Earl of Aberdeen that the provisions of these acts of the Congress, so far as they relate to cocoa, coffee, and salt, confer encouragement on the trade of the West Indies with the United States, which did not exist, and could not have been contemplated at the period of passing the act of Parliament of 1825. They therefore superadd new and important motives for restoring the trade then offered, and for restoring it upon terms not less favorable.

While the participation of the British islands is invited in the advantages to be derived from this enlarged and increasing demand of the United States for the produce of the West Indies, the undersigned takes leave to suggest the expediency of securing that participation before the trade may be exclusively diverted into other channels by the superior advantages of a direct intercourse with other islands.

In closing this communication to the Earl of Aberdeen, the undersigned will take the occasion to repeat his deep interest in the subject, and a renewed hope of an early and favorable issue. The Earl of Aberdeen will not fail to appreciate the spirit and motive by which the President was actuated in recommending, and the Congress in passing, the act to which allusion was first made. The effects of delay upon the commercial enterprise of the United States, and the disappointment of interests desirous of a different measure of legislation, though they offered great embarrassments, were not the greatest difficulties attendant upon that act. To give to Great Britain the fullest time to consult her own interest and convenience; to make a further and a signal effort to place the commercial relations of the two countries upon a footing of sure and lasting harmony; and to guard, in a manner consistently with duty, against delay during the recess of Congress, could only be done by a measure calculated also to awaken at once the spirit of commercial speculation, and to create new expectations of favorable dispositions on the part of this Government.

If, as the undersigned will continue to hope, the British Government should find it their interest to realise these expectations, their measures will derive additional grace from the frankness and promptitude with which they may be adopted; and if, unfortunately, these hopes are destined to experience a disappointment, it is not less the duty of his Majesty's Government to quiet the public expectations thus excited, and to mitigate, as far as may be in its power, the injurious effects thereof, by giving an early reply to the application which, in behalf of his Government, the undersigned has had the honor to submit.

The undersigned avails himself of this occasion to renew to Lord Aberdeen the assurances of his highest consideration.

LOUIS McLANE.

---

*Mr. McLane to Mr. Van Buren.*

LONDON, August 20, 1830.

SIR: I have the satisfaction to forward herewith a letter from the Earl of Aberdeen, dated the 17th instant, by which it will be perceived that my negotiation for the colonial trade is successfully closed; and that this Go-

vernment consents to restore to us the direct intercourse with her American colonies, upon the terms of the proposition submitted by me on the 12th of December last.

It will be perceived, also, that, from an apprehension that the late act of Congress might admit of an interpretation incompatible with the terms of my proposition, and the act of Parliament of the 5th July, 1825, the British Government have accompanied their consent with an explanation of the construction which, in their opinion, the law ought to receive, and to which their proceedings will be conformed. This is precautionary, however, and intended to guard against misapprehension in future. The proclamation of the President, which is authorized upon evidence satisfactory to himself, will be immediately followed, upon the part of Great Britain, by the revocation of the order in Council of July, 1827, the abolition of the discriminating duties on American vessels in British colonial ports, and by extending to the vessels of the United States the advantages of the act of Parliament of the 5th July, 1825.

If it had been admitted that the late act of Congress varied intentionally from the terms of our proposition, and the British act of the 5th July, 1825, and demanded advantages not contemplated by the latter, it would have been considered as reviving pretensions already given up, and must have had the effect of entirely defeating any hope of recovering the colonial trade. Recurring to your letter of the 18th June last, communicating the President's message to Congress, and a copy of the law, I did not doubt that the act was, in fact, intended to authorize the President to give effect, in the recess of Congress, to the known and uniform object of the negotiation, and to accept a renewal of the trade upon the terms of the proposition which I had been authorized to make. I felt it my duty, therefore, to concur in the suggestion, that the supposed deviations in the law from the act of the 5th July, 1825, were apparent merely, and neither intentional, nor for the purpose of advancing any new claim upon the part of our Government.

My instructions authorized me to propose that the United States should now comply with the conditions of the act of 5th July, 1825, by repealing our restrictive laws, "if such a measure would lead to the revocation of the order in Council of July, 1827, to the abolition or suspension of all discriminating duties on American vessels in the British colonial ports, and to the enjoyment by us of the advantages of the last mentioned act of Parliament."

These instructions were literally pursued in the proposition which I submitted in December last, and, together with it, were communicated to Congress. But it will be apparent to you that, if the law necessarily authorize a different construction than that adopted by this Government, it will not be a compliance with the conditions of the act of Parliament, but demand advantages which, by that act, are expressly denied, and by this Government allowed to no other country.

The navigation act of Great Britain, by which all her previous acts upon that subject are repealed, and her system permanently established, passed simultaneously with the act of the 5th July, 1825, regulating the trade of the British possessions abroad; and by that act the importation, both into her European and colonial ports, is restricted to the vessels of the country of which the articles imported shall be the produce. Nor has this restriction been considered inconsistent with our commercial convention with

Great Britain, which we have anxiously sought to extend to the colonial intercourse. The beforementioned act of the 5th July, 1825, regulating the trade with the British possessions abroad, refers, in express terms, to the act concerning navigation, and limits the right of importation into the British colonial ports to American produce, and to vessels coming directly from the ports of the United States. By acceding to the terms of our proposition, therefore, Great Britain extends to our vessels all the advantages of the act of 5th July, 1825. She moreover places the United States, in the intercourse with the colonies, on the same footing with all other nations; and by assenting to regulations, though by legislative enactment, in the colonial trade, similar to those provided by our commercial convention for the intercourse between the United States and the British possessions in Europe, she now concedes to us, in this respect, substantially that which we have been ineffectually seeking since the year 1815.

I am not aware that the restriction of the right of importation into the colonies to articles of American produce, was at any period seriously objected to by our Government. Nor can the difference, in this respect, between American and British vessels, if we allow it to continue, be an object of much importance in any point of view. It will generally be our interest, as it is that of every other nation, to allow the exportation of its surplus foreign produce in the vessels of any other country. It must be observed, also, that this is a privilege resulting from the general spirit of our laws, and therefore resting in our discretion. There is nothing in the arrangement now proposed to prevent the United States from hereafter denying to British vessels this advantage, if it prove injurious to their commerce, and in placing by that means the vessels of both countries, in this respect, upon an equal footing. I ought to observe, however, that sound policy would not warrant such a measure at any time.

Independently of these considerations, it is certain that both the restrictions now reserved by the construction adopted by this Government were absolutely conceded by ours before the present negotiation commenced, and could not have been renewed at present with any hope of success. More than has been secured by the present labors, the concessions of the last administration precluded us from demanding. But if this had not been so, more could not have been obtained.

In the letter of Mr. Gallatin to Mr. Clay of the 27th October, 1826, the meaning of the British act of Parliament of 5th July, 1825, which does not appear to have been previously understood by our Government, is fully and intelligibly explained. To ascertain the precise state of the regulations at that period, and the extent of the conditions and restrictions prescribed by the famous act of July, 1825, Mr. Gallatin reviewed all the British statutes upon this subject, and superadded the following observations.

"From what precedes, it follows, first, that the restriction which limits the importations in foreign vessels of goods into the British West Indies and American colonies, *to vessels of the country of which the goods are the produce, and coming direct from such country*, having been revived by the navigation act of the 5th July, 1825, is still in force; secondly, that the restriction which limited the exportations in foreign vessels of goods exported from the British West Indies and American colonies, to a direct exportation to the country to which such vessel did belong, is so far repealed as that such exportations in such vessels may be made to any country whatever, Great Britain and its dependencies excepted."

“Although there is no prospect that any arrangement will shortly take place on that subject, yet it is desirable to be prepared for any contingency. And I wish that the President would take into consideration whether, supposing an arrangement, either by convention or by mutual modification on both sides of existing laws or regulations, to be practicable, it would be proper, so far as relates to navigation, *to agree to the terms contained in the acts of Parliament.*”

“The most important of the restrictions on the direct or circuitous trade, that which limited the exportation from the British West Indies in American vessels to the United States, has been repealed; and there remain but two—such exportations cannot be made in American vessels to Great Britain or her dependencies, a point on which we cannot insist, and which is already given up by the instructions; *and the importations into those colonies of American produce, must, if made in American vessels, be direct from the United States.* Is it necessary, on that account, to insist on the right of preventing British vessels, other than those coming direct from the colonies, from clearing from the United States for those colonies? Or, in other words, (for it is clear that with such restriction no arrangement is practicable,) is it worth while, on that account, to continue to cut off altogether the intercourse between the United States and the British colonies? On that question I beg leave to submit two observations. First, the right of importing produce of the United States into British West Indies from other places than the United States, is in itself of no great value. It might occasionally be convenient when the market of Cuba or of other ports in the Gulf of Mexico was glutted with American produce, to have a right to take it in American vessels to the British West India ports; but it is but rarely that these will not, from the same causes, be also glutted at the same time, and that the expense of a double voyage and freight could be incurred. Secondly, whilst contending for a nominal reciprocity, we must acknowledge that the other party must consider how far this reciprocity will be real. It is now ascertained that four-fifths of the tonnage employed in our intercourse with Great Britain herself are American, and only one fifth British. Considering the species of population, the climate, and commercial capital of the West Indies, and the distance of Great Britain, it is utterly impossible that the direct intercourse between the United States and the British West Indies should not, with equal duties and charges, be carried on in a still greater proportion in vessels of the United States. The only compensation, in that respect, to Great Britain, is to be found in the circuitous voyages which British vessels may make from that country through the United States and her West India colonies; and I feel quite confident—I think any man acquainted with the subject will be of the same opinion—that even granting them that privilege, will leave more than three-fourths of the intercourse to our vessels!!”

“It will not escape you that the intercourse by sea between the United States and the British West Indies and North American colonies, has already been considered as necessarily connected together by the British Government, and that this connexion has been kept up in the acts of Parliament, in the articles proposed to Mr. Rush, and indeed in all former proposals on their part.”

In consequence, as it may be supposed, of this explanation and advice from Mr. Gallatin, our Government thenceforward abandoned whatever preten-



sions they may have previously set up beyond the acts of Parliament. In a letter from Mr. Clay, dated the 11th April, 1827, containing further instructions to Mr. Gallatin, he was informed "that the President is willing to recommend to Congress, at its next session, first, to suspend the alien duties on British vessels and cargoes, and allow their entry into our ports with the same kind of British or British colonial produce as may be imported in American vessels, the vessels of both countries paying the same charges; and, secondly, to abolish the restriction in the act of 1823 to the direct intercourse between the United States and the British colonies, leaving Great Britain in the exclusive possession of the circuitous trade between Great Britain proper, through her colonies, and the United States. Mr. Gallatin will inquire whether the passage of an act of Congress to that effect would lead to the revocation of the British order in Council of July, 1827, to the abolition of the discriminating duties on American vessels in the British colonial ports, and to the enjoyment by our vessels of the advantages offered by the act of the 5th July, 1825."

These propositions were communicated by Mr. Gallatin to the British Government, in a note to Lord Dudley, of the 17th August, 1827; in which he remarks that "this mode would repeal all former acts of the American Government which had been objected to by Great Britain, fulfil the condition in the act of Parliament as now understood, and remove every obstacle in the way to an arrangement; but that it would be useless for the President to make such recommendation without first ascertaining the intentions of the British Government;" and he therefore inquired "whether, upon the passage of such an act as the President proposes to recommend, the British Government would allow to American vessels the privileges of trade and intercourse according to the act of the 5th July, 1825?" With these communications, it will be seen that my instructions, and the overture by me submitted on the 12th December last, and now assented to by Great Britain, are entirely coincident.

I have been thus minute that the precise and uniform object of our negotiation with this Government should not be mistaken; and that the President, clearly and explicitly understanding these, may feel no hesitation, when executing the law, to interpret each particular clause in conformity with the obvious scope and design of the act.

Less difficulty, if possible, than on these points, can exist in regard to the entry of British vessels and their cargoes in the ports of the United States, from the islands, provinces, or colonies, designated in the second section of the act. According to Mr. Gallatin's despatch, "the intercourse by sea between the United States and the British West Indies and North American colonies, has already been considered as necessarily connected together by the British Government, and that this connexion has been kept up in all the acts of Parliament." It will not, therefore, be now separated. The general terms employed in this section are sufficiently comprehensive to embrace any description of entry; and in his instructions to the several collectors, the President may properly direct an entry similar to that specified in the first section of the bill, and in the spirit of our proposition.

Such, I presume, was the purpose of the law. I have, however, suggested to this Government, in answer to the difficulty felt upon this point, the possibility that these general terms may have proceeded from an apprehension of the existing discriminating duty of one dollar per ton on American vessels in these northern colonial ports. Should such be the case, it will not

escape you that this duty is prescribed by the order of the King in Council in 1823, in retaliation of our law of that year; and that, by the terms of my proposition, it will be now abolished.

If the remaining words of apparent difficulty constitute a provision inconsistent with our proposition and the act of 5th July, 1825, I am obliged to confess myself incapable of comprehending either their object or meaning. I refer, of course, to the following clause: "*leaving the commercial intercourse of the United States with all other parts of the British dominions or possessions on a footing not less favorable to the United States than it now is.*"

Such a provision, or any thing resembling it, is now introduced for the first time into our legislation upon this subject. With all other parts of the British dominions, our commercial intercourse is regulated either by the convention with Great Britain, or, with the exception of the ports in the northern provinces, absolutely prohibited by acts of Parliament. No legislation on either side can affect the stipulations of the convention, and any relaxation of existing prohibitions must be beneficial.

This clause, as it stands, if it be not altogether nugatory and out of place, would seem rather to apprehend some evil, not understood or explained, from advantages to be conferred on our trade by Great Britain. In any view of the subject, however, it can properly relate only to the footing on which our commercial intercourse with other ports will be left at the time of conceding such advantages. Happily, therefore, with whatever object the clause may have been introduced, the President may issue his proclamation with every assurance that the correspondent acts on the part of this Government will leave "the commercial intercourse of the United States with all other parts of the British dominions on a footing not less favorable to the United States than it now is."

That you may have all the British acts of Parliament relative to this subject before you, and compare without difficulty the various provisions of the act of the 5th July, 1825, for the encouragement of British shipping and navigation, and of that of the same date regulating the trade with the British possessions abroad, I have the honor herewith to forward you "*Hume's Custom Laws,*" containing all that may be useful in your researches.

The observations of the Earl of Aberdeen relative to the scale of duties in favor of those interests incidentally fostered by the suspension of the intercourse between the United States and the West Indies, are less unfavorable than, at the date of my despatch of the 6th April, I had reason to apprehend. It was on the ground of this apprehension, principally, that, in my note to Lord Aberdeen of the 12th July last, I alluded so particularly to the acts of Congress reducing the duty on several articles of West India produce.

Though it may be probable that the schedule of duties adopted contemporaneously with the act of Parliament of the 5th July, 1825, will be hereafter modified, the effect must be more severely felt by the West India planter, already overburthened, than by our merchants; and in this there is a safe guarantee against any excessive alteration. There is good reason to believe, moreover, that such modification, whenever it shall be made, will consist in reducing the duty on some important articles, while it may increase it on others; and that our trade, in the aggregate, will not be materially affected. This modification, however, is not a part or condition of the present arrange-

ment, and will therefore depend upon future contingencies, of which each nation will be free to take advantage; and ours, particularly, to resort to countervailing duties, if that course be deemed expedient. On this question, we will always have the West Indian interest on our side; and that, after the concessions heretofore made, is all we can expect. The arrangement now proposed will restore to our vessels the direct trade with the British colonial ports, and place the navigation of both countries in that trade upon an equal footing. We may safely rely upon the skill and enterprise of the American merchants to accomplish the rest.

I need scarcely refer to the period for which this question has embarrassed the trade of our citizens and the relations of the two countries, nor to the numerous failures which have attended the efforts of our Government to adjust it. But it ought not to be forgotten that, in producing these failures, technical interpretations and misapprehension of legal provisions have had their full share. Sensible of this, I felt it my duty to guard, if possible, against their recurrence; and after the solicitude and perseverance with which I have conducted the negotiation, I could not shun the responsibility of attempting to reconcile the apparent obscurities of the law with the clear and frank object of our Government. I am happy to believe, moreover, that, in the attempt, I am fully sustained by the soundest principles of construction. In any event, I shall feel conscious that, with the sincerest desire to conform to the instructions and sustain the character of the Executive, I have faithfully contributed to succor the enterprise of my fellow-citizens, and to place the foreign relations of the country upon a foundation of lasting harmony.

I have the honor to be, Sir,

Very respectfully,

Your obedient servant,

LOUIS McLANE.

to the H<sup>on.</sup> MARTIN VAN BUREN,  
*Secretary of State, Washington.*

---

*The Earl of Aberdeen to Mr. McLane.*

FOREIGN OFFICE, *August 17, 1830.*

The undersigned, his Majesty's principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the note of Mr. McLane, Envoy Extraordinary and Minister Plenipotentiary from the United States of America to this Court, dated the 12th ultimo, communicating certain measures which have been adopted by Congress with a view to remove the obstacles which have hitherto impeded the re-establishment of the commercial intercourse between the United States and the British West India colonies.

Previously to the receipt of this communication, his Majesty's Government had already had under their consideration Mr. McLane's note of the 16th March last, explanatory of the proposition contained in his letter of the 12th of December, 1829, with reference to the same subject; and the undersigned assures Mr. McLane that his Majesty's Government, in the earnest and dispassionate attention which they bestowed upon this proposition, were actuated by the most friendly feelings towards the Government of the United States, and by a sincere disposition to meet the proposals which he was authorized to make in the spirit with which they were offered.

But the undersigned considers it unnecessary now to enter into any detailed discussion of the points embraced in those previous communications of Mr. McLane, because they are in a great measure superseded by the more specific, and therefore more satisfactory propositions contained in his note of the 12th ultimo; to the contents of which note, therefore, the undersigned will principally confine his present observations.

Of the character and effect of the recent measure of the American Congress, Mr. McLane observes that "it concedes in its terms all the power in the regulation of the colonial trade, and authorizes the President to confer on British subjects all those privileges, as well in the circuitous as the direct voyage, which Great Britain has at any time demanded or desired."

In this declaration the undersigned is happy to observe the same spirit and disposition which dictated Mr. McLane's former communications, wherein he announced the readiness and desire of the American Government "to comply with the conditions of the act of Parliament of 1825," and also that the claims advanced in justification of the omission of the United States to embrace the offers of this country, have been abandoned by those who urged them, and have received no sanction from the people of the United States;" and the undersigned readily admits, that, if the bill passed by the American Legislature be well calculated practically to fulfil the expressed intentions of its framers, it must have the effect of removing all those grounds of difference between the two Governments, with relation to the trade between the United States and the British colonies, which have been the subject of so much discussion, and which have constituted the main cause of the suspension of the intercourse by those restrictive acts of the United States which the American Government is now prepared to repeal.

The proposition now made by Mr. McLane for the revocation of the order in Council of 1826 stands upon a ground materially different from that on which the same question was brought forward in the notes of Mr. Gallatin in 1827, and even in the more explanatory overtures of Mr. McLane contained in his communications of December 1829, and March, 1830.

Those several proposals were, all of them, invitations to the British Government to pledge itself, hypothetically, to the revocation of the order in Council, in the event of a repeal of those acts of the American Congress which gave occasion to it. His Majesty's Government declined to give that prospective pledge or assurance, on the grounds stated in Lord Dudley's note of the 1st October, 1827. But the objections then urged are not applicable to the present overture. Provision has now been made by an act of the American Legislature for the re-establishment of the suspended intercourse upon certain terms and conditions; and that act being now before his Majesty's Government, it is for them to decide whether they are prepared to adopt a corresponding measure on the part of Great Britain for that object.

The undersigned is ready to admit that, in spirit and substance, the bill transmitted by Mr. McLane is conformable to the view which he takes of it in the expression before quoted from his note of the 12th July; and that it is calculated, therefore, to afford to Great Britain complete satisfaction on the several points which have been heretofore in dispute between the two countries. He has also received, with much satisfaction, the explanation which Mr. McLane has afforded him verbally, in the last conference which the undersigned had the honor of holding with him, upon those passages in which the wording of the bill appears obscure, and in which it seems at least doubtful whether the practical construction of it would fully correspond with



the intentions of the American Government, as expressed by Mr. McLane. But it is nevertheless necessary, in order to remove all possibility of future misapprehension upon so important a subject, that he should recapitulate the points upon which those doubts have arisen, and distinctly state the sense in which the undersigned considers Mr. McLane as concurring with him in the interpretation of them.

The first point in which a question might arise is in that passage of the bill wherein it is declared, as one of the conditions on which the restrictions now imposed by the United States may be removed, "that the vessels of the United States, and their cargoes, on entering the ports of the British possessions, as aforesaid, (viz: in the West Indies, on the continent of America, the Bahama islands, the Caicos, and the Bermuda or Somer islands,) shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British vessels, or their cargoes, arriving in the said colonial possessions *from the United States of America.*" It is not quite clear whether the concluding words, "from the United States of America," are meant to apply to the vessels of the United States, and their cargoes, in the first part of the paragraph, as well as to those of Great Britain or her colonies, in the latter part.

It can scarcely, indeed, have been intended that this stipulation should extend to American vessels coming with cargoes from any other places than the United States, because it is well known that, under the navigation laws of Great Britain, no foreign vessel could bring a cargo to any British colonial port from any other country than its own.

The next condition expressed in the act is, "that the vessels of the United States may import into the said colonial possessions from the United States, any article or articles which could be imported in a British vessel into the said possessions from the United States."

In this passage, it is not made sufficiently clear that the articles to be imported on equal terms by British or American vessels from the United States, *must be the produce of the United States.* The undersigned, however, cannot but suppose that such a limitation must have been contemplated, because the clause of the navigation act already adverted to, whereby an American vessel would be precluded from bringing any article not the produce of America to a British colonial port, is not only a subject of universal notoriety, but the same provision is distinctly made in the act of Parliament of 1825, which has been so often referred to in the discussions on this subject.

It was also necessary that the undersigned should ask for some explanation of that section of the bill which has reference to the entry of vessels into the ports of the United States from the continental colonies of Great Britain in North America. These are not placed, in the terms of the act, on the same footing as the ships coming from the colonies of the West Indies.

With respect to the latter, the express provision made for the direct intercourse with those colonies, together with the simultaneous repeal of the several American acts which interdict, at present, the carriage of goods from the United States to West Indian ports, in ships having arrived from other ports in the British dominions, appear fully to warrant the expression, before quoted, of Mr. McLane, "that the act would confer on British vessels all those privileges, as well in the circuitous as in the direct voyage, which Great Britain has at any time demanded." But, with regard to

the continental colonies, there is merely a provision for "admitting to entry, in the ports of the United States, British vessels or their cargoes from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and north or east of the United States." It must indeed be presumed that vessels from these colonies are intended to be admitted upon the same terms, in all respects, and to be entitled to the same privileges, as British ships from any other British colony.

The act of Congress requires, as a further condition, that, when the intercourse with the West India colonies shall be opened by Great Britain, "the commercial intercourse of the United States with all other parts of the British dominions or possessions shall be left on a footing not less favorable to the United States than it now is."

Although it may be most truly stated that there exists, at this time, no intention to make any alteration in the commercial policy of Great Britain, and equally that there is no disposition on the part of His Majesty's Government to restrict, in any measure, the commercial relations between this country and the United States, yet the positive condition to maintain unchanged, or upon any particular footing of favor, every part of our system of trade affecting our intercourse with America, could not, with propriety, be made the subject of any specific engagement connected with the renewal of the colonial intercourse. Whether that intercourse be renewed or not, it ought to remain at all times as free as it now is, both to the Government of Great Britain and to that of the United States, to adopt, from time to time, such commercial regulations as either State may deem to be expedient for its own interests, consistently with the obligations of existing treaties.

It is due to the candor with which the communications of Mr. McLane have been made on this subject, that the undersigned should be thus explicit in noticing the passage in the bill to which he has now adverted.

Mr. McLane, in his note of the 12th ultimo, has described and explained the material diminution which has been made in the duties payable in the United States on the importation of certain articles of colonial produce. This measure has been viewed by His Majesty's Government with sincere satisfaction, as indicating a disposition to cultivate a commercial intercourse with His Majesty's colonies upon a footing of greater freedom and reciprocal advantage than has hitherto existed. But the undersigned must frankly state, that, in the general consideration of the question now to be determined, no weight ought to be assigned to the reduction of those duties, as forming any part of the grounds on which the re-establishment of the intercourse may be acceded to. Those changes are part of the general scheme of taxation which the Government of America may, at all times, impose or modify, with the same freedom as that which Great Britain may exercise in the regulation of any part of its system of duties; and it is the more essential that His Majesty's Government should not contract, by implication, any engagement towards that of the United States with respect to such alterations, because His Majesty's Government have already had under their consideration the expediency of introducing some modifications into the schedule of duties attached to the act of Parliament of 1825, with a view more effectually to support the interests of the British North American colonies. To those interests, fostered, as they have incidentally been, by the suspension of the intercourse between the United States and the West Indies, His Majesty's Government will continue to look with an earnest desire to afford them such protection by discriminating duties as may appear to be consistent

with the interests of other parts of His Majesty's dominions, and with a sound policy in the commercial relations of this country with all other States.

The undersigned has thought it desirable that this point should be distinctly understood on both sides, in order that no doubt should exist of the right of Great Britain to vary those duties from time to time, according to her own views of expediency, unfettered by any obligation, expressed or implied, towards the United States or any other country.

The undersigned adverts again with satisfaction to the verbal explanations which he has received from Mr. McLane of those passages in the act of Congress which have not appeared to the undersigned to be literally adapted to the provisions of the act of Parliament of 1825. He concurs with Mr. McLane in thinking that these will be found to have been merely apparent deviations from the conditions of that statute, because the whole of the recent proceedings of the American Government and Legislature in this matter have been manifestly and expressly founded upon a determination to conform to it. Any other view of the subject would be entirely at variance with the tenor of the several communications from Mr. McLane before adverted to, which have all been conformable to the explicit proposition contained in his note of the 12th December, 1829, "that the Government of the United States should now comply with the conditions of the act of Parliament of July 5, 1825, by an express law, opening their ports for the admission of British vessels, and by allowing their entry with the same kind of British colonial produce as may be imported in American vessels, the vessels of both countries paying the same charges; suspending the alien duties on British vessels and cargoes, and abolishing the restrictions in the act of Congress of 1823 to the direct intercourse between the United States and the British colonies; and that such a law should be immediately followed by a revocation of the British order in Council of the 27th July, 1826, the abolition or suspension of all discriminating duties on American vessels in the British colonial ports, and the enjoyment, by the United States, of the advantages of the act of Parliament of the 5th July, 1825." It only remains, therefore for the undersigned to assure Mr. McLane that, if the President of the United States shall determine to give effect to the act of Congress, in conformity with the construction put upon its provisions both by Mr. McLane and by the undersigned, all difficulty on the part of Great Britain, in the way of a renewal of the intercourse between the United States and the West Indies, according to the foregoing proposition made by Mr. McLane, will thereby be removed.

The undersigned has the honor to renew to Mr. McLane the assurances of his highest consideration.

ABERDEEN.

LEWIS McLANE, Esq. &c. &c. &c.

---

*Mr. Van Buren to Mr. McLane.*

DEPARTMENT OF STATE,

*Washington, 5th October, 1830.*

SIR: Your despatch of the 20th August was, on the 3d instant, received at this Department, and, with its contents, laid before the President.

You will perceive by the enclosed proclamation, and instructions from the Treasury Department to the collectors of customs, that the President has adopted without reserve the construction given to the act of Congress of the 29th of May, 1830, by Lord Aberdeen and yourself, by accepting the assurance of the British Government, with the accompanying explanations, as a compliance with its requisitions, and by doing all that was necessary to carry the proposed arrangement into complete effect on the part of the United States. By virtue of the President's proclamation, and the operation of the act of Congress above referred to, our restrictive acts are repealed, and the ports of the United States opened to British vessels coming from any of the British colonial possessions mentioned in both sections of the act, upon the terms stated in that act, and in the accompanying instruction. The President does not doubt that, having thus given effect to the arrangement on the part of this Government, that of Great Britain will without delay do what is necessary on its side to remove all existing obstructions to the renewal of the intercourse between the United States and the British colonial possessions referred to, according to the proposition submitted by you and accepted by that Government. He allows himself also to expect that the circumstance that the ports of the United States are forthwith open to British vessels, whilst the opening of those of Great Britain must await the action of the British Government, thus producing temporarily an unequal operation, will induce his Majesty's Government to give to the matter its earliest attention.

The President has derived great satisfaction from the candor and liberality which have characterised the conduct of his Majesty's ministers throughout the negotiation, and particularly in not suffering the inadvertencies of our legislation, attributable to the haste and confusion of the closing scenes of the session, to defeat or delay the adjustment of a question, with respect to the substance of which, and the interest of the two countries, in its adjustment, both Governments are now happily of one opinion. He cherishes the most lively anticipations of the solid benefits which will flow from the trade that is about to revive, as well as of the benign influence which the satisfactory removal of a long standing and vexatious impediment to the extension of their commercial intercourse is calculated to exercise upon the relations between the two countries. It is his wish that you should make his Majesty's Government acquainted with these sentiments, and assure it that he will neglect no opportunity which may present itself to prove his sincere desire to strengthen and improve those relations by every act within the sphere of his authority which may contribute to confirm the good understanding so happily established.

It is also to me a pleasing duty to express to you, as I am directed to do, the entire satisfaction of the President with your conduct on this important occasion. The untiring zeal, patriotic exertions, and great ability, which you have displayed in the difficult negotiation thus satisfactorily concluded, realise all the anticipations he had formed from the employment of your talents in this important branch of the public service, and entitle you to the thanks of your country. To these sentiments I beg leave to add the expression of my own unqualified approbation of all your acts since the commencement of your mission near the Government of Great Britain.

I am, with great respect,

Your obedient servant,

M. VAN BUREN.

LOUIS McLANE, Esq. *Envoy Extraordinary, &c. &c.*



*By the President of the United States of America.*

A PROCLAMATION.

Whereas, by an act of the Congress of the United States, passed on the twenty-ninth day of May, one thousand eight hundred and thirty, it is provided, that, whenever the President of the United States shall receive satisfactory evidence that the Government of Great Britain will open the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama islands, the Caicos, and the Bermuda or Somer islands, to the vessels of the United States, for an indefinite or for a limited term; that the vessels of the United States, and their cargoes, on entering the colonial ports aforesaid, shall not be subject to other or higher duties of tonnage or impost, or charges of any other description, than would be imposed on British vessels, or their cargoes, arriving in the said colonial possessions from the United States; that the vessels of the United States may import into the said colonial possessions, from the United States, any article or articles which could be imported in a British vessel into the said possessions from the United States; and that the vessels of the United States may export from the British colonies aforementioned, to any country whatever, other than the dominions or possessions of Great Britain, any article or articles that can be exported therefrom in a British vessel, to any country other than the British dominions or possessions aforesaid—leaving the commercial intercourse of the United States with all other parts of the British dominions or possessions on a footing not less favorable to the United States than it now is—that then, and in such case, the President of the United States shall be authorized, at any time before the next session of Congress, to issue his proclamation, declaring that he has received such evidence; and that, thereupon, and from the date of such proclamation, the ports of the United States shall be opened indefinitely, or for a term fixed, as the case may be, to British vessels coming from the said British colonial possessions, and their cargoes, subject to no other or higher duty of tonnage or impost, or charge of any description whatever, than would be levied on the vessels of the United States, or their cargoes, arriving from the said British possessions, and that it shall be lawful for the said British vessels to import into the United States, and to export therefrom, any article or articles which may be imported or exported in vessels of the United States; and that the act, entitled “An act concerning navigation,” passed on the eighteenth day of April, one thousand eight hundred and eighteen, an act supplementary thereto, passed the fifteenth day of May, one thousand eight hundred and twenty, and an act, entitled “An act to regulate the commercial intercourse between the United States and certain British ports,” passed on the first day of March one thousand eight hundred and twenty-three, shall, in such case, be suspended or absolutely repealed, as the case may require:

And whereas, by the said act, it is further provided, that, whenever the ports of the United States shall have been opened under the authority thereby given, British vessels and their cargoes shall be admitted to an entry in the ports of the United States, from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and north or east of the United States:

And whereas satisfactory evidence has been received by the President of the United States, that, whenever he shall give effect to the provisions of the act aforesaid, the Government of Great Britain will open, for an indefinite period, the ports in its colonial possessions in the West Indies, on the continent of South America, the Bahama islands, the Caicos, and the Bermuda or Somer islands, to the vessels of the United States, and their cargoes, upon the terms, and according to the requisitions, of the aforesaid act of Congress:

Now, therefore, I, Andrew Jackson, President of the United States of America, do hereby declare and proclaim that such evidence has been received by me; and that, by the operation of the act of Congress passed on the twenty-ninth day of May, one thousand eight hundred and thirty, the ports of the United States are, from the date of this proclamation, open to British vessels coming from the said British possessions, and their cargoes, upon the terms set forth in the said act; the act entitled "An act concerning navigation," passed on the eighteenth day of April, one thousand eight hundred and eighteen, the act supplementary thereto, passed the fifteenth day of May, one thousand eight hundred and twenty, and the act, entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed the first day of March, one thousand eight hundred and twenty-three, are absolutely repealed; and British vessels and their cargoes are admitted to an entry in the ports of the United States, from the islands, provinces and colonies of Great Britain, on or near the North American continent, and north or east of the United States.

Given under my hand, at the city of Washington, the fifth day of October, in the year of our Lord one thousand eight hundred and thirty, and the fifty fifth of the Independence of the United States.

ANDREW JACKSON.

By the President:

M. VAN BUREN,  
*Secretary of State.*

---

*Circular to the Collectors of Customs.*

TREASURY DEPARTMENT,

October 6, 1830.

SIR: You will perceive by the proclamation of the President, herewith transmitted, that, from and after the date thereof, the act, entitled "An act concerning navigation," passed on the 18th of April, 1818, an act supplementary thereto, passed the 15th of May, 1820, and an act, entitled "An act to regulate the commercial intercourse between the United States and certain British ports," passed on the 1st of March, 1823, are absolutely repealed; and the ports of the United States are opened to British vessels, and their cargoes, coming from the British colonial possessions in the West Indies, on the continent of South America, the Bahama islands, the Caicos, and the Bermuda or Somer islands; also from the islands, provinces, or colonies of Great Britain on or near the North American continent, and north or east of the United States. By virtue of the authority of this proclama-

tion, and in conformity with the arrangement made between the United States and Great Britain, and under the sanction of the President, you are instructed to admit to entry such vessels, being laden with the productions of Great Britain or her said colonies, subject to the same duties of tonnage and impost, and other charges, as are levied on the vessels of the United States, or their cargoes, arriving from the said British colonies. You will, also, grant clearances to British vessels for the several ports of the aforesaid colonial possessions of Great Britain, such vessels being laden with such articles as may be exported from the United States in vessels of the United States: and British vessels, coming from the said British colonial possessions, may also be cleared for foreign ports and places other than those in the said British colonial possessions, being laden with such articles as may be exported from the United States in vessels of the United States.

I am, Sir, very respectfully,

Your obedient servant,

S. D. INGHAM,

*Secretary of the Treasury.*

[Here follows a copy of the above proclamation by the President.]

*Extract of a letter from Mr. McLane to Mr. Van Buren, dated*

LONDON, 6th November, 1830.

I received on the 2d instant your despatch, number 22, of the 5th October, transmitting the proclamation of the President, and instructions from the Treasury Department to the collectors of customs, executing, on the part of our Government, the proposed arrangement with this, for the restoration of the direct intercourse with the British West Indies. I communicated these documents to the Earl of Aberdeen on the 3d instant, and have the honor to transmit herewith his answer thereto, and an order of the King in Council, completing the proposed arrangement on the part of Great Britain, and fully closing the negotiation upon this important part of our relations.

This arrangement has already produced, and will continue to produce, considerable dissatisfaction in the British northern provinces, and with those interests which have been incidentally fostered by the omission of our Government to comply with the terms of the act of 5th July, 1825, and the British order in Council of July, 1826. It may be expected, therefore, as I have already stated in my former despatches, that some attempt will be immediately made to reconcile those interests to the restoration of the direct intercourse. Some of the duties in favor of the northern productions will, doubtless, be increased, but others will be reduced. I cannot, however, at this moment, speak fully or with entire certainty of the intentions of this Government in that respect.

It may be proper for me to inform you, that, by the act of Parliament of the 2d of July, 1827, entitled "An act to amend the laws relating to the customs," the importation of *salted beef and pork* is admitted into Newfoundland free of duty, and into all the other British ports at a duty of

twelve shillings sterling the hundred weight. Under the present arrangement, by which the colonial ports are now opened to our vessels, we shall be entitled to the benefit of this act, and in that way acquire a valuable branch of trade, which we could not have enjoyed by the famous act of 5th July, 1825.

---

*Mr. McLane to Lord Aberdeen.*

9, CHANDOS STREET, PORTLAND PLACE,  
November 3, 1830.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honor to transmit herewith to the Earl of Aberdeen, his Majesty's principal Secretary of State for Foreign Affairs, a proclamation issued by the President of the United States on the fifth of October last, and, also, a letter of instructions from the Secretary of the Treasury, in conformity thereto, to the several collectors of the United States, removing the restrictions on the trade in British vessels with the ports of the United States and the colonial possessions of Great Britain. And the undersigned takes leave to add, that, although these papers appear to be sufficiently clear and explicit, he will take much pleasure in making any further personal explanation of their import that may be considered desirable.

It will be perceived, however, that, by virtue of the foregoing proclamation, and the operation of the act of Congress of the 29th May, 1830, the restrictive acts of the United States are absolutely repealed; that the ports of the United States are open to the admission and entry of British vessels coming from any of the British ports mentioned in both sections of the said act, with the same kind of British colonial produce as may be imported in American vessels, and upon the same terms; that the alien duties, in the ports of the United States, on British vessels and their cargoes, and also the restrictions in the act of the Congress of the United States of 1823 to the direct intercourse between the United States and the British West India colonies, are abolished.

The undersigned has the honor to state further, that these acts have been performed by the President in conformity with the letter of the Earl of Aberdeen of the 17th of August last; and that, by accepting the assurance of the British Government, with the accompanying explanation, as a compliance with the requisitions of the act of Congress of the 29th May, 1830, and doing all that was necessary on the part of the United States to effect the proposed arrangement, he has adopted, without reserve, the construction put upon the act of Congress both by the Earl of Aberdeen and the undersigned.

In communicating these documents to the Earl of Aberdeen, the undersigned is instructed to inform him that the President has derived great satisfaction from the candor manifested by his Majesty's Ministers in the course of the negotiation; and that, having thus given effect to the arrangement on the part of the United States, he does not doubt that Great Britain, acting in the spirit and terms of the proposition submitted by the undersigned, and accepted in the letter of Lord Aberdeen of the 17th of August last, will as promptly comply with those terms on her part, and remove the ex-



isting obstructions to the renewal of the intercourse between the ports of the United States and the British colonial possessions.

In conclusion, the undersigned takes leave to state, that, from the date of the proclamation of the President, the vessels of Great Britain have been and are actually in the enjoyment of all the advantages of the proposed arrangement, while the vessels of the United States are and must remain excluded from the same until the requisite measures shall be adopted by this Government. The undersigned has the honor to ask, therefore, that the Earl of Aberdeen will enable him to communicate the adoption of those measures to his Government, by the opportunity which will offer for that purpose on the 6th instant.

The undersigned avails himself of this occasion to renew to the Earl of Aberdeen the assurance of his highest consideration.

LOUIS McLANE.

The Rt. Hon. the Earl of ABERDEEN, &c. &c. &c.

---

*Lord Aberdeen to Mr. McLane.*

FOREIGN OFFICE, Nov. 5, 1830.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of the note of Mr. McLane, Envoy Extraordinary and Minister Plenipotentiary from the United States at this court, of the 3d instant, in which he encloses a proclamation issued by the President of the United States on the 5th ultimo, and also a letter of instructions from the Secretary of the Treasury, in conformity thereto, to the several collectors of the United States, removing the restrictions on the trade in British vessels with the ports of the United States and the colonial possessions of Great Britain.

Mr. McLane observes, that, by virtue of the proclamation in question, and the operation of the act of Congress of the 29th May, 1830, the restrictive acts of the United States are absolutely repealed; that the ports of the United States are opened to the admission and entry of British vessels coming from any of the British ports mentioned in both sections of the said act, with the same kind of British colonial produce as may be imported in American vessels, and upon the same terms; that the alien duties in the ports of the United States on British vessels and their cargoes, and also the restrictions in the act of Congress of the United States of 1823, to the direct intercourse between the United States and the British West India colonies, are abolished.

Mr. McLane adds, that, in performing these acts, the President of the United States has adopted, without reserve, the construction put upon the act of Congress of the 29th of May, 1830, by himself, and by the undersigned in his note of the 17th of August last.

The undersigned having stated to Mr. McLane, in his above mentioned note, that, under such circumstances, all difficulty on the part of Great Britain, in the way of the renewal of the intercourse between the United States and the West Indies, according to the proposition made by Mr. McLane, would be removed, he has now the honor to transmit to Mr. McLane the accompanying copy of an order issued by His Majesty in Council this day, for regulating the commercial intercourse between the United States and His Majesty's possessions abroad.

The undersigned cannot omit this opportunity of expressing to Mr. McLane the satisfaction of His Majesty's Government at the promptitude and frankness with which the President of the United States has concurred in the view taken by them of this question; and at the consequent extension of that commercial intercourse which it is so much the interest of both countries to maintain, and which His Majesty will always be found sincerely desirous to promote by all the means in his power.

The undersigned avails himself of this occasion to renew to Mr. McLane the assurances of his highest consideration.

ABERDEEN.

LOUIS McLANE, Esq., &c. &c. &c.

---

AT THE COURT AT ST. JAMES',

*November 5, 1830.*

Present: The King's Most Excellent Majesty in Council.

Whereas, by a certain act of Parliament, passed in the 6th year of the reign of his late Majesty King George the Fourth, entitled "An act to regulate the trade of the British possessions abroad," after reciting that, "by the law of navigation foreign ships are permitted to import into any of the British possessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions to be carried to any foreign country whatever, and that it is expedient that such permission should be subject to certain conditions, it is therefore enacted, that the privileges thereby granted to foreign ships shall be limited to the ships of those countries which, having colonial possessions, shall grant the like privilege of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of this country and of its possessions abroad upon the footing of the most favored nation, unless his Majesty, by his order in Council, shall in any case deem it expedient to grant the whole or any of such privileges to the ships of any foreign country, although the conditions aforesaid shall not in all respects be fulfilled by such foreign country:" And whereas, by a certain order of his said late Majesty in Council, bearing date the 27th day of July, 1826, after reciting that the conditions mentioned and referred to in the said act of Parliament had not in all respects been fulfilled by the Government of the United States of America, and that, therefore, the privileges so granted as aforesaid by the law of navigation to foreign ships could not lawfully be exercised or enjoyed by the ships of the United States aforesaid, unless His Majesty, by his order in Council, should grant the whole or any of such privileges to the ships of the United States aforesaid, his said late Majesty did, in pursuance of the powers in him vested by the said act, grant the privileges aforesaid to the ships of the said United States, but did thereby provide and declare that such privileges should absolutely cease and determine in His Majesty's possessions in the West Indies and South America, and in certain other of His Majesty's possessions abroad, upon and from certain days in the said order for that purpose appointed, and which are long since passed: And whereas, by a certain other order of his said late Majesty in Council, bearing date the 16th of July, 1827, the said last

mentioned order was confirmed: And whereas, in pursuance of the acts of Parliament in that behalf made and provided, his said late Majesty, by a certain order in Council bearing date the 21st day of July, 1823, and by the said order in Council bearing date the 27th day of July, 1826, was pleased to order that there should be charged on all vessels of the said United States which should enter any of the ports of His Majesty's possessions in the West Indies or America, with articles of the growth, produce, or manufacture of the said States, certain duties of tonnage and of customs therein particularly specified: And whereas it hath been made to appear to His Majesty in Council that the restrictions heretofore imposed by the laws of the United States aforesaid upon British vessels navigating between the said States and His Majesty's possessions in the West Indies and America have been repealed, and that the discriminating duties of tonnage and of customs heretofore imposed by the laws of the said United States upon British vessels and their cargoes, entering the ports of the said States from His Majesty's said possessions, have also been repealed; and that the ports of the United States are now open to British vessels and their cargoes coming from His Majesty's possessions aforesaid. His Majesty doth, therefore, with the advice of his Privy Council, and in pursuance and exercise of the powers so vested in him as aforesaid, by the said act so passed in the 6th year of the reign of his said late Majesty, or by any other act or acts of Parliament, declare that the said recited orders in Council of the 21st day of July, 1823, and of the 27th day of July, 1826, and the said order in Council of the 16th day of July, 1827, (so far as the such last mentioned order relates to the said United States,) shall be, and the same are hereby, respectively revoked: And His Majesty doth further, by the advice aforesaid, and in pursuance of the powers aforesaid, declare that the ships of and belonging to the United States of America may import from the United States aforesaid, into the British possessions abroad, goods the produce of those States, and may export goods from the British possessions abroad, to be carried to any foreign country whatever.

And the Right Honorable the Lords Commissioners of His Majesty's Treasury, and the Right Honorable Sir George Murray, one of His Majesty's principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

JAS. BULLER.

A true copy.

COUNCIL OFFICE, WHITEHALL, Nov. 6, 1830.

## PRESENT AND PROPOSED IMPORT DUTIES IN THE AMERICAN COLONIES.

*TABLE OF DUTIES on certain articles of provisions, and of wood and lumber, not being the growth, production, or manufacture of the United Kingdom, nor of any British possession, imported or brought by sea, or by inland carriage or navigation, into the several British possessions in America.*

	Present duty.	Proposed duty.
I. SOUTHERN COLONIES.		
Imported or brought into the British possessions on the continent of South America, or in the West Indies, the Bahama and Bermuda islands included, viz:		
Provisions, viz:	£ s. d.	£ s. d.
Wheat, the bushel - - -	0 1 0	0 1 2
Wheat, imported from the northern colonies - - -	0 1 0	duty free.
Wheat flour, the barrel - - -	0 5 0	0 6 0
Wheat imported from the northern colonies, except Newfoundland, - - -	0 1 0	duty free.
Bread or biscuit, the cwt. - - -	0 1 6	duty free.
Flour or meal, not of wheat, the barrel, - - -	0 2 6	duty free.
Peas, beans, rye, calavances, oats, barley, Indian corn, the bushel, - - -	0 0 7	duty free.
Rice, the 100 lbs. net weight, - - -	0 2 6	duty free.
Live stock, - - -	10 per cent.	duty free.
Lumber, viz:		
Shingles, not being more than 12 inches in length, the 1000 - - -	0 7 0	0 10 6
Shingles, imported from the northern colonies, - - -	duty free.	duty free.
Shingles being more than 12 inches in length, the 1000, - - -	0 14 0	1 1 0
Shingles imported from the northern colonies, - - -	duty free.	duty free.
Staves and headings, viz:		
— red oak, the 1000, - - -	0 15 0	} 0 18 9
— white oak, the 1000, - - -	0 12 6	
— imported from the northern colonies, - - -	duty free.	duty free.
Wood hoops, the 1000, - - -	0 5 3	0 7 10
— imported from the northern colonies, - - -	duty free.	duty free.
White, yellow, and pitch pine lumber, the 1000 feet of one inch thick, - - -	1 1 0	1 11 6



TABLE OF DUTIES—Continued.

	Present duty.	Proposed duty.
Lumber, viz:	£ s. d.	
White, yellow, and pitch pine lumber, imported from the northern colonies, -	0 5 3	duty free.
Other wood and lumber, the 1000 feet of 1 inch thick, - - - -	1 8 0	1 11 6
— imported from the northern colonies, - - - -	0 7 0	duty free.
2. NORTHERN COLONIES.		
Imported or brought into the British possessions in North America.		
Provisions, viz:		
Wheat, the bushel, - - -	0 1 0	duty free.
Wheat flour, the barrel, - - -	0 5 0	0 5 0
[May be warehoused, without payment of duty, for exportation to the southern colonies,] - - - -		
Bread or biscuit, the cwt. - -	0 1 6	duty free.
Flour and meal, not of wheat, the barrel, -	0 2 6	duty free.
Peas, beans, rye, calavances, oats, barley, Indian corn, the bushel, - - -	0 0 7	duty free.
Rice, the 100 lbs. net weight, - - -	0 2 6	duty free.
Live stock, - - - -	duty free.	duty free.
Note.—By act 6. George IV. c. 114, food and victuals, among other things, fit and necessary for the British fisheries in America, and imported in British ships into the place at or from whence the fishery is carried on, are duty free.		
Lumber, viz:		
Shingles, - - - -	duty free.	duty free.
Staves, - - - -	duty free.	duty free.
Wood hoops, - - - -	duty free.	duty free.
White, yellow, and pitch pine lumber, the 1000 feet of 1 inch thick, - - -	1 1 0	duty free.
Other wood and lumber, the 1000 feet, -	1 8 0	duty free.
[May be warehoused, without payment of duty, for exportation to the southern colonies.]		

*Extract of a letter from Mr. McLane to Mr. Van Buren, dated  
London, November 22, 1830.*

I forwarded you, by my last despatch, the copy of a schedule of duties proposed by Mr. Herries, the late President of the Board of Trade, in relation to their colonial trade. At that time I had reason to believe that this measure, recommended under the auspices and by the influence of the ministry, would probably pass with little material alteration. The recent occurrences, however, have changed these expectations; and I am now inclined to believe, that, if it pass at all, it will previously undergo some very material modifications, more favorable to our interests in the colonial trade.